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Ontario

LAWS, STATUTES, ETC.

REVISED REGULATIONS

OF

ONTARIO, 1980

A REVISION AND CONSOLIDATION OF REGULATIONS
PUBLISHED UNDER THE AUTHORITY OF
THE REGULATIONS REVISION ACT, 1979

VOLUME V



REVISED REGULATIONS

OF

ONTARIO



A REGULATION OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF TORONTO
THE BOARD OF GOVERNORS OF THE UNIVERSITY OF TORONTO
THE BOARD OF GOVERNORS OF THE UNIVERSITY OF TORONTO

VOLUME A

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REGULATION 539

under the Judicature Act

SALARIES AND BENEFITS OF MASTERS

1. The annual salary of a master in a position referred to in column 1 of the Schedule shall be the salary set opposite thereto in column 2. O. Reg. 1117/80, s. 1.
2. The Senior Master may grant to a master,
- (a) leave of absence with pay for not more than six days in any year upon any special or compassionate ground and the period of the leave shall be charged against the sick leave credits of the master;
 - (b) three days leave of absence with pay in the event of the death of his spouse, mother, father, mother-in-law, father-in-law, son, daughter, brother or sister and such leave shall not be charged against sick leave credits; and
 - (c) leave of absence without pay and without accumulation of sick leave credits for a period not exceeding one month. O. Reg. 7/76, s. 2.
3. The Attorney General, upon the recommendation of the Senior Master, may grant to a master leave of absence without pay and without the accumulation of sick leave credits for a period of up to one year. O. Reg. 7/76, s. 3.
4. The Lieutenant Governor in Council, upon the recommendation of the Attorney General, may grant leave of absence with pay to a master for special or compassionate purposes for a period not exceeding one year. O. Reg. 7/76, s. 4.

5.—(1) A master is entitled to an annual vacation of one month.

(2) Subject to the approval of the Senior Master, a master may accumulate vacation leave of absence but accumulated vacation leave of absence shall not exceed a period of two months. O. Reg. 7/76, s. 5.

6. Subject to sections 2 to 5 of this Regulation, Part VI of Regulation 881 of Revised Regulations of Ontario, 1980 other than sections 64 and 69 to 74 apply to masters. O. Reg. 856/76, s. 1, *part*.

7.—(1) The Crown may enter into an agreement with an insurance underwriter for the purpose of providing a supplementary life insurance plan for masters.

(2) The supplementary life insurance plan under this section shall provide to each master, group life insurance coverage equal to three times the annual salary of the master.

(3) The life insurance coverage under this section is in addition to any other life insurance coverage under this Regulation.

(4) The premium for the life insurance coverage under this section shall be paid by the Crown. O. Reg. 971/80, s. 1.

Schedule

ITEM	COLUMN 1	COLUMN 2
1.	Senior Master	\$59,600
2.	Master	56,000

O. Reg. 1117/80, s. 2.

REGULATION 540

under the Judicature Act and the Matrimonial Causes Act

(Attention is drawn to subsection 106 (1) of chapter 100 of R.S.O. 1937, [The Judicature Act] which is unrepealed and unconsolidated, vide R.S.O. 1950, schedule B.)

RULES OF PRACTICE AND PROCEDURE OF THE SUPREME COURT OF ONTARIO MADE BY THE RULES COMMITTEE

INTERPRETATION

1. As to all matters not provided for in these rules, the practice shall be regulated by analogy thereto. R.R.O. 1970, Reg. 545, r. 1.

2. In these rules,

- (a) "Accountant" means "The Accountant of the Supreme Court of Ontario";
- (b) "action" includes garnishment proceedings, proceedings for relief by interpleader and matrimonial cause proceedings;
- (bb) "appellate court" means the Court of Appeal or the Divisional Court, as the case may be, to which an appeal is brought;
- (bbb) "conduct money" includes fees payable to witnesses according to the applicable tariff;
- (c) "county court" includes district court, and "county" includes "district";
- (d) "defendant" includes a respondent named in a petition or counter-petition for divorce;
- (e) "entry" or "entered" or any term of like import includes recording by photographic plate, microphotographic film or photocopy negative;
- (f) "ground for divorce" means a ground for divorce under the *Divorce Act* (Canada);
- (g) "hearing" includes the trial of a matrimonial cause;
- (h) "judge" means a judge of the High Court except in rules 776 to 815, and in the application of any other rules to matrimonial causes where "judge" shall include, unless otherwise expressly provided, a local judge of the Supreme Court who has been appointed a local judge of the High Court of Justice for Ontario by the Governor General;
- (i) "judgment" includes a decree in a matrimonial cause and, in rules 540 to 606, also includes an order to the same effect as a judgment;
- (j) "judgment creditor" means the party or person who is entitled to receive payment or to enforce a judgment or order;
- (k) "judgment debtor" means the party or person to make payment under a judgment or order, or against whom the judgment or order may be enforced;
- (l) in the rules relating to references, "Master" includes an assistant master or clerk to whom the matter has been assigned either by the Master or by the judgment;
- (m) "matrimonial cause" means a proceeding by petition under the *Divorce Act* (Canada);
- (n) "matrimonial offence" means an act or circumstance the commission or existence of which is a ground for divorce under section 3 of the *Divorce Act* (Canada);
- (o) "plaintiff" includes a petitioner or counter-petitioner for divorce;
- (p) "sheriff" includes any officer charged with the execution of a writ or process;
- (q) "time prescribed" means time limited or appointed by the rules or by a judgment or order;
- (r) "trial" includes the hearing of a matrimonial cause;
- (s) in rule 7 and rules 12 to 31, the words "writ of summons" and "writ" include a notice of petition for divorce and any document by which proceedings are commenced, and also include all proceedings by which a person not a party is added as a party either before or after judgment (e.g., *proceedings in the Master's office and garnishment and third party proceedings*);

(t) "writ of execution" and "execution" include all writs by which a judgment may be enforced, and, in the rules relating to interpleader, also include an order of attachment under the *Absconding Debtors Act*. R.R.O. 1970, Reg. 545, r. 2; O. Reg. 284/71, s. 2; O. Reg. 115/72, s. 1; O. Reg. 36/73, s. 1; O. Reg. 569/75, s. 1.

3. The division of these rules into titles and headings is for convenience only, and does not affect their construction. R.R.O. 1970, Reg. 545, r. 3.

FORM AND COMMENCEMENT OF PROCEEDINGS IN THE SUPREME COURT

Writ of Summons

4. Except where otherwise authorized by a statute or by a rule, every proceeding in the court, other than a proceeding that may be taken *ex parte*, shall be by action commenced by the issue of a writ of summons. R.R.O. 1970, Reg. 545, r. 4.

5.—(1) The writ shall be prepared by the plaintiff and shall contain the names of the parties and the capacity in which they sue and are sued and shall state the office in which and the time within which the defendant is to enter his appearance and shall be endorsed with a short statement of the nature of the plaintiff's claim.

(2) Writs shall be sealed with the seal of the Supreme Court or with the seal kept in the local office, as the case may be, and shall conclude with the words "IN WITNESS WHEREOF this writ is signed for the Supreme Court of Ontario

by Registrar of the said
Court at Toronto [or by]

Local Registrar of the said Court at]", and shall state the date and place of issue and shall be signed by the officer issuing the same or in his name by a member of his staff to whom the officer has delegated such authority".

(3) A copy of the writ certified by the plaintiff's solicitor shall be filed with the officer at the time the writ is issued. R.R.O. 1970, Reg. 545, r. 5.

6. A writ of summons which is generally endorsed shall be according to Form 1. O. Reg. 106/75, s. 1.

7. A duplicate writ marked "duplicate" may be issued and shall be in force only during the currency of the original writ. O. Reg. 106/75, s. 2.

8.—(1) The writ shall be in force for twelve months from the date thereof, including the day of such date, but, if for any sufficient reason any defendant has not been served, the writ may at any time before its expiration, by order, be

renewed for twelve months, and so from time to time during the currency of the renewed writ.

(2) The writ shall be marked by the proper officer, "renewed", with the date of the order. R.R.O. 1970, Reg. 545, r. 8.

9. Any claim on behalf of Her Majesty, including a claim to repeal letters patent under the Great Seal, may be enforced by an action brought by the Attorney General on behalf of Her Majesty. R.R.O. 1970, Reg. 545, r. 9.

Originating Notice

10.—(1) The proceedings authorized by rules 607, 611, 612, 615, 622, 624, 625, 629, 698 and interpleader, other than interpleader proceedings by a sheriff, as provided under rules 632 and 651, may be commenced by notice of motion called an originating notice.

(2) Garnishment proceedings and interpleader proceedings by a sheriff shall be deemed to be interlocutory proceedings in the original cause or matter.

(3) An issue directed in garnishment or interpleader proceedings or any other issue directed to be tried under these rules shall be deemed to be an action, and the judgment upon the trial of an issue shall, for the purposes of appeal, be deemed to be final and not interlocutory. R.R.O. 1970, Reg. 545, r. 10.

11.—(1) Where by any statute a summary application without the institution of any action may be made to the court or a judge in a manner therein provided, such application may also be made by originating notice but any security required by such statute shall be given.

(2) This rule applies to proceedings which by any statute or rule may be taken in a county court or before a judge of a county court. R.R.O. 1970, Reg. 545, r. 11.

11a. In every application brought by originating notice, if the applicant desires a certificate of *lis pendens* he shall include in his notice a claim therefor together with a description, sufficient for registration, of the lands in question, but such certificate shall not issue without leave of the court, to be obtained upon an *ex parte* application. R.R.O. 1970, Reg. 545, r. 11a.

NOTE: See also the *Interpretation Act*, R.S.O. 1980, c. 219, s. 29.

Endorsement of Address, etc.

12.—(1) Where a plaintiff sues by a solicitor, the writ of summons, or notice in lieu thereof, shall be endorsed with the solicitor's name or firm and place of business, where service may be made:

(2) Where a plaintiff sues in person, there shall be endorsed upon the writ, or notice in lieu thereof, his place of residence and occupation. R.R.O. 1970, Reg. 545, r. 12 (1-2).

13.—(1) The solicitor whose name is endorsed on a writ of summons shall on demand declare forthwith whether the cause or matter has been commenced by him or with his authority or privity, and he shall also, if demanded, disclose the profession or occupation, and place of residence, giving name of street and house number where practicable, of the plaintiff and in default the action may be stayed and the solicitor may be directed to pay the costs.

(2) If the solicitor declares that the writ was not issued by him or with his authority or privity, an order may be obtained *ex parte* directing that all proceedings be stayed, and thereafter no further proceedings shall be taken without leave. R.R.O. 1970, Reg. 545, r. 13.

14.—(1) Where an action is brought in the name of a firm or in a name or style other than the plaintiff's own name, the plaintiffs shall, on demand, declare forthwith in writing the names and places of residence of all the persons constituting the firm or carrying on business under such name or style.

(2) If the plaintiffs fail to comply with such demand, all proceedings in the action may, upon an application for that purpose, be stayed. R.R.O. 1970, Reg. 545, r. 14.

Service

15. Service of a writ of summons shall not be required where the defendant by his solicitor endorses on the original writ his acceptance of service and his undertaking to appear. O. Reg. 36/73, s. 2.

16.—(1) Except as hereinafter provided, in the absence of such acceptance of service every writ of summons shall be served personally, but, if it appears that the plaintiff is unable to effect prompt personal service, substituted service, by advertisement or otherwise, may be ordered.

(2) Substituted service may also be allowed of any other document that requires personal service. R.R.O. 1970, Reg. 545, r. 16.

17. REVOKED. O. Reg. 156/68, s. 2.

18.—(1) Where a minor is sued in respect of his interest in an estate, he shall be served by delivering a copy of the writ to the Official Guardian.

(2) The post office address of the father or guardian of such minor or of the person with whom or under whose care the minor is shall be endorsed on the copy of the writ so served.

(3) From the time of such service, the Official Guardian is the guardian *ad litem* of the minor, unless and until otherwise ordered, and it is the duty of the Official Guardian, or of any other guardian appointed for such minor, forthwith to attend to the interests of the minor, and to take all such proceedings as may be necessary for the protection of such interests in the proceeding in which he is appointed guardian, and for that purpose to communicate with all proper persons and parties, including the father or guardian of the minor and the person with whom or under whose care the minor is.

(4) In case there is more than one minor for whom service is made on the Official Guardian, one copy only of the writ need be served, but the name of each person on whose behalf the Official Guardian is served shall be stated on the copy served. R.R.O. 1970, Reg. 545, r. 18.

19. Where the action against a defendant who is a minor is for the recovery of lands, goods or chattels of which he is personally in possession, service shall be made on the minor personally, and a copy of the writ endorsed as aforesaid shall also be delivered to the Official Guardian who may enter an appearance for the minor, in the absence of other order or direction. R.R.O. 1970, Reg. 545, r. 19.

20. Where the action is against a minor in respect of a personal tort or for the recovery of money only, the minor shall be served as in the case of an adult defendant. R.R.O. 1970, Reg. 545, r. 20.

21. Where a mentally incompetent person or person of unsound mind not so found by inquisition or judicial declaration is a defendant, service on the committee of the mentally incompetent person or on the person with whom the defendant of unsound mind resides, or under whose care he is, shall, unless otherwise ordered, be deemed good service. R.R.O. 1970, Reg. 545, r. 21.

NOTE: As to service on a mentally incompetent person in an institution, see Part III of the *Mental Health Act*, R.S.O. 1980, c. 262.

22. After service of the writ, no further proceedings shall be taken against a defendant who is a mentally incompetent person and has no committee, or no committee except the Public Trustee, or against a defendant of unsound mind not so found, until a guardian *ad litem* is appointed. R.R.O. 1970, Reg. 545, r. 22.

NOTE: As to service upon a patient in an institution, see Part III of the *Mental Health Act*, R.S.O. 1980, c. 262.

23.—(1) A municipal corporation may be served with a writ of summons by delivering a copy to the chairman, mayor, warden, reeve or clerk thereof.

(2) In the case of a railway, telegraph or express corporation, service may be effected on the agent

of such corporation at any branch or agency thereof, or on any station master of the railway company, or on the telegraph operator or express agent having charge of any telegraph or express office belonging to such corporation.

(3) Any other corporation may be served with a writ of summons by delivering a copy to the president or other head officer, vice-president, secretary, treasurer, director, or any agent thereof, or the manager or person in charge of any branch or agency thereof in Ontario and any person who, within Ontario, transacts or carries on any of the business of, or any business for, a corporation whose chief place of business is out of Ontario shall, for the purpose of being served as aforesaid, be deemed to be the agent thereof.

(4) Service may also be effected on any person appointed for that purpose under the provisions of any statute. O. Reg. 520/71, s. 1.

24. REVOKED: O. Reg. 106/75, s. 3.

Service Out of Ontario

25.—(1) Subject to rule 795, a party to an action or proceeding may be served out of Ontario as provided by rule 26 where the action or proceeding as against that party consists of a claim or claims,

- (a) for, or in respect of, real property situate within Ontario, or the administration of the estate of a deceased person in respect thereof, whether the deceased died testate or intestate as to such property;
- (b) for, or in respect of, personal property situate within Ontario, or the administration of the personal property of a deceased person who, at the time of his death was domiciled within Ontario, whether the deceased died testate or intestate as to such property;
- (c) for the construction of a will in respect of real or personal property situate within Ontario or in respect of the personal property of a deceased person, who at the time of his death was domiciled within Ontario;
- (d) against a trustee for, or in respect of, the execution of a trust contained in a written instrument where the trust is in respect of real or personal property situate within Ontario and ought to be executed according to the law of Ontario;
- (e) for foreclosure, sale, possession or redemption in respect of a mortgage, charge or lien on real or personal property situate within Ontario;
- (f) in respect of a contract wherever made where,

(i) a breach is alleged to have been committed within Ontario, even though such breach was preceded by or accompanied by a breach out of Ontario which rendered impossible the performance of that part of the contract which ought to have been performed within Ontario, or

(ii) the parties thereto have agreed that the courts of Ontario shall have jurisdiction to entertain the action;

(g) in respect of a tort committed within Ontario;

(h) in respect of damage sustained in Ontario arising from a tort or breach of contract committed elsewhere;

(i) for an injunction in respect of anything done, being done or to be done within Ontario;

(j) for support under the *Family Law Reform Act*;

(k) for custody of or access to an infant;

(l) to declare a marriage void;

(m) founded upon a judgment;

(n) which, by statute, may be made by an action or proceeding commenced in Ontario;

(o) against a person out of Ontario who is a necessary or proper party to an action or proceeding properly brought against another person duly served within Ontario;

(p) against a person domiciled or ordinarily resident within Ontario;

(q) for contribution, indemnity or other relief over in respect of any claim made in an action or proceeding commenced in Ontario. O. Reg. 106/75, s. 4, *part*; O. Reg. 8/76, s. 1; O. Reg. 216/78, s. 1.

(2) Any person not already a party to an action or proceeding may, by leave of the court, be served out of Ontario with any judgment or order or notice to prove claims thereunder. O. Reg. 106/75, s. 4, *part*.

26.—(1) Service out of Ontario on a defendant by writ under subrule 25 (1) shall be effected by serving upon him a notice according to Form 3, and not the writ of summons itself, and, where the writ is generally endorsed, the statement of claim.

(2) Service out of Ontario on a defendant added by counter-claim shall be effected by serving upon him a notice according to Form 3 together with

any other document required to be served on such a party except the summons to such a defendant added by counter-claim.

(3) Service out of Ontario on a third party shall be effected by serving upon him a notice according to Form 3 together with any other document required to be served on such a party except the third party notice.

(4) Service out of Ontario on a respondent to an originating motion shall be effected by serving upon him a notice according to Form 3 together with any other document required to be served on such a party including the notice of motion. O. Reg. 106/75, s. 5.

27. Where the party to be served is a defendant by counter-claim, a third party or a respondent to an originating motion, service upon him shall be made not later than ten days after the time the service upon him would be required if he were within Ontario. O. Reg. 106/75, s. 6.

28.—(1) Where a party is served out of Ontario but elsewhere in Canada or within one of the United States of America, he shall file an appearance within forty days, excluding the day of service, and, within the same time, he shall deliver his statement of defence or his affidavit of merits, as the case may be.

(2) Where a party is served elsewhere than in Canada or one of the United States of America, he shall file an appearance within sixty days, excluding the day of service, and, within the same time, he shall deliver his statement of defence or his affidavit of merits, as the case may be. O. Reg. 106/75, s. 7.

29. A party who has been served out of Ontario with a notice according to Form 3 may, within the time limited for appearance and before appearing, apply for an order setting aside the service of such a notice upon him, or in the alternative, for leave to file a conditional appearance. O. Reg. 106/75 s. 8.

30. Where service is to be effected upon a person, other than a British subject, in a foreign country to which this rule is by direction of the Chief Justice of Ontario made to apply, the following procedure shall be adopted:

1. The notice according to Form 3 and any other document required to be served therewith shall be transmitted by the Registrar of the Supreme Court to the Under-Secretary of State for External Affairs for Canada with a copy thereof, translated into the language of the country in which service is to be effected, with a request for further transmission of the same to the government of the country in which it is to be served, with the request that service, either

personal or in such manner as is consistent with the practice and usage of that country when personal service cannot be made, be effected and that return be made showing how such service has been effected.

2. Any such official return shall be regarded as proof of the facts therein stated.
3. The plaintiff's solicitor shall, before the papers are transmitted, pay or secure to the satisfaction of the Registrar a sum to answer the fees and charges in connection with such service. R.R.O. 1970, Reg. 545, r. 30; O. Reg. 106/75, s. 9.

31. Where in a civil or commercial matter pending before a court or tribunal of a foreign country a letter of request from such court or tribunal for service on a person in Ontario of any process or citation in such matter is transmitted to the Supreme Court of Ontario, the following procedure shall be adopted:

1. The letter of request for service shall be accompanied by a translation thereof in the English language, and by two copies of the process or citation to be served, and two copies thereof in the English language.
2. Service of the process or citation shall, by a direction of a judge, be effected by any sheriff or his authorized agent.
3. Such service shall be effected by delivering to and leaving with the person to be served one copy of the process to be served and one copy of the translation thereof or may be effected in such other manner as is directed by the letter of request.
4. After service has been effected, the process shall be returned to the Registrar of the Supreme Court, together with the evidence of service by affidavit of the person effecting the service, sworn before a notary public and verified by his seal, and particulars of charges for the cost of effecting such service.
5. The Registrar of the Supreme Court shall return the letter of request for service, together with the evidence of service, with a certificate appended thereto (Form 17) duly sealed with the seal of the said court.
6. Nothing in this rule prevents service from being effected in any other manner in which it may now be made. R.R.O. 1970, Reg. 545, r. 31.

Endorsement of Claim

32.—(1) Upon every writ of summons the plaintiff shall endorse a concise statement of his claim, but it is not essential to set forth the precise ground of complaint or the precise remedy or relief sought (Form 7).

(2) If the plaintiff desires a certificate of *lis pendens* he shall include in the endorsement a claim therefor together with a description, sufficient for registration, of the lands in question, but such certificate shall not issue without leave of the court, to be obtained upon *ex parte* application. R.R.O. 1970, Reg. 545, r. 32.

Special Endorsements

33.—(1) At the option of the plaintiff, the writ of summons may be specially endorsed with a statement of his claim where the plaintiff seeks to recover a debt or liquidated demand in money (with or without interest and whether the interest be payable by way of damages or otherwise) arising,

- (a) upon a simple written promise to pay or upon a written acknowledgement of debt; or
- (b) upon a simple contract, express or implied, for goods sold and delivered; or
- (c) upon a simple contract, express or implied, where the price or method of calculation of the price has been agreed upon for,
 - (i) work done or services rendered, or
 - (ii) work done or services rendered and for the supply and installation of materials; or
- (d) upon a cheque, promissory note or bill of exchange; or
- (e) upon an account settled between the parties in writing; or
- (f) upon a bond or contract under seal for payment of a liquidated sum, but not including a claim for liquidated damages; or
- (g) upon a judgment; or
- (h) upon a statute where the amount sought to be recovered is a fixed sum of money or is in the nature of a debt other than a penalty; or
- (i) upon a guarantee in writing where the claim against the principal is in respect of a debt or liquidated demand;

or the writ of summons may be specially endorsed with a statement of his claim,

- (j) in an action for recovery of land; or
- (k) in an action for recovery or chattels; or
- (l) in an action for foreclosure, sale or redemption. O. Reg. 36/73, s. 4.

(2) The writ in such cases shall be in accordance with Form 8.

(3) Where a writ is specially endorsed in respect of any of the above claims the plaintiff may also claim in respect of any other matter, in which case,

- (a) the form of the command on the writ shall be so worded as to apply to each of such claims; and
- (b) the general endorsement shall be preceded by the words "and by way of general endorsement:".

(4) Before being issued, a writ which is specially endorsed shall be certified by the solicitor who issues it that he believes the claim is one that properly comes within this Rule. R.R.O. 1970, Reg. 545, r. 33, (2-4).

34. REVOKED: O. Reg. 216/78, s. 2.

APPEARANCE

35.—(1) Unless otherwise ordered or provided, where a defendant is served with a generally endorsed writ of summons, he shall file an appearance within ten days, and in the case of a specially endorsed writ within fifteen days, excluding the day of service.

(2) Unless otherwise ordered or provided, where a summons to a defendant added by counterclaim is served, the added defendant shall file an appearance within twenty days, excluding the day of service.

(3) Unless otherwise ordered or provided, where a respondent is served with an originating notice of motion, he shall file an appearance on or before the date upon which the motion is returnable.

(4) A defendant may file an appearance after the time limited by this rule,

- (a) in an action where the writ is specially endorsed, at any time before judgment; and
- (b) in an action where the writ is generally endorsed, at any time before pleadings are noted closed. O. Reg. 36/73, s. 14, *part*; O. Reg. 106/75, s. 10.

36. An appearance shall be according to Form 9 and shall be filed in the office in which the proceeding was commenced, and where the defendant or respondent appears by solicitor shall state the name and place of business of such solicitor, or if he appears in person shall name a place within Ontario to be called his address for service, and the defendant or respondent shall forthwith serve the appearance upon the plaintiff or applicant, as the case may be. O. Reg. 36/73, s. 14, *part*.

37. Where the appearance does not contain the address of the solicitor or an address for service of the defendant, as the case may be, it shall not be filed, and if such address is illusory or fictitious, the appearance may be set aside. O. Reg. 36/73, s. 14, *part*.

38. Where he has obtained leave to do so, a defendant may file a conditional appearance which shall be according to Form 9. O. Reg. 106/75, s. 11.

39. Where a writ is endorsed to recover a money demand and a defendant desires to dispute only the amount claimed and to make no other defence, he may file an appearance according to Form 9, and the plaintiff, on four clear days' notice to the defendant, may have an account taken before the registrar and judgment may be signed for the amount found due. O. Reg. 36/73, s. 14, *part*.

40.—(1) Any person not named as a defendant in a writ for the recovery of land may file an appearance stating that he or his tenant, as the case may be, is in possession of the land or part of it.

(2) In all subsequent proceedings, such person shall be named as a party defendant.

(3) Where the writ is specially endorsed, rule 42 shall be complied with. O. Reg. 36/73, s. 14, *part*.

41. Any person filing an appearance to a writ for the recovery of land may limit his defence to a part of the land, describing the part with reasonable certainty in his appearance, and thereupon the plaintiff may sign judgment as provided in rule 52. O. Reg. 36/73, s. 14, *part*.

42.—(1) Where the writ is specially endorsed, the defendant shall with his appearance file an affidavit of merits made by the defendant or by any person having knowledge of the facts showing the nature of his defence, with the facts and circumstances which he deems entitle him to defend the action.

(2) The affidavit of merits shall be served upon the plaintiff and proof of such service shall be filed with the appearance.

(3) An affidavit of merits is not necessary from,

(a) a defendant who files the consent of the plaintiff that the writ be treated as a generally endorsed writ;

(b) a defendant who files an affidavit that the statement of claim has been served upon him;

(c) a defendant who files an appearance in accordance with rule 39;

(d) an executor or administrator or trustee, or an assignee for the benefit of creditors, or a liquidator or receiver, or a committee (other than the Public Trustee) of a mentally incompetent person, or a committee of an absentee, who serves on the plaintiff and files, with proof of service, an affidavit that after careful inquiry he does not feel justified in admitting the plaintiff's claim and desires that it shall be proved;

(e) the Public Trustee appearing as committee of a mentally incompetent person; or

(f) the Official Guardian appearing for a minor or a mentally incompetent person.

(4) A counter-claim shall be deemed to be a defence within the meaning of this rule.

(5) Where a defendant fails to comply with this rule, the plaintiff may sign judgment for default of appearance. O. Reg. 36/73, s. 14, *part*.

TIME FOR DELIVERY OF PLEADINGS

43. A plaintiff shall deliver his statement of claim,

(a) at any time prior to the filing of an appearance or within thirty days thereafter; or

(b) where there is more than one defendant within ninety days after the first appearance was filed, or within thirty days after all defendants have appeared, whichever shall first occur. O. Reg. 569/75, s. 2.

44. Unless otherwise provided, a defendant shall deliver his statement of defence and counter-claim, if any, within twenty days after the delivery of the statement of claim. O. Reg. 36/73, s. 14, *part*; O. Reg. 106/75, s. 12.

45. A defendant who delivers a statement of defence and counter-claim shall serve a copy thereof together with a copy of the statement of claim and a summons, according to Form 26, upon any party to the counter-claim who is not a plaintiff in the original action within thirty days after the

issue of the summons, provided however that such service may be effected upon the solicitor in the original action, if any, of a party added as a defendant by counter-claim. O. Reg. 36/73, s. 14, *part*; O. Reg. 451/77, s. 1.

46. Unless otherwise provided, any defendant to a counter-claim shall deliver his statement of defence thereto within twenty days after the delivery of the statement of defence and counter-claim. O. Reg. 36/73, s. 14, *part*; O. Reg. 106/75, s. 13.

47.—(1) The plaintiff shall deliver his reply, if any, within ten days after a statement of defence has been delivered.

(2) Where a statement of defence to a counter-claim has been delivered, the plaintiff by counter-claim shall deliver his reply, if any, within ten days thereafter. O. Reg. 36/73, s. 14, *part*.

DEFAULT PROCEEDINGS

48.—(1) Unless otherwise ordered or provided, in default of filing an appearance to a writ of summons, a defendant is not entitled to deliver a statement of defence or to notice of a motion for judgment or to notice of trial or to notice of any other proceedings.

(2) In default of filing an appearance to an originating notice of motion, a respondent is not entitled to file any material on the motion. O. Reg. 36/73, s. 14, *part*.

49.—(1) Before any proceeding may be taken for default of appearance, the plaintiff shall file an affidavit of service of the writ upon the defendant in default, or the original writ upon which is endorsed the acceptance of service and the undertaking to appear given by a solicitor according to rule 15. O. Reg. 36/73, s. 14, *part*.

(2) Before any proceeding may be taken for default of defence, the plaintiff shall file proof of service of the statement of claim upon the defendant in default, and, where no appearance has been filed, subrule (1) shall also be complied with. O. Reg. 107/74, s. 1.

Signing Judgment for Default of Appearance or Defence

50. A judgment for default of appearance or defence shall not be signed after the expiration of one year from the date when the default occurred, without leave of the court. O. Reg. 36/73, s. 14, *part*.

51. Where the writ is specially endorsed and a defendant fails to comply with rule 42, the plaintiff may, as against such defendant, sign judgment,

(a) where the claim is for a debt or liquidated demand in money, for an amount not exceeding such claim, together with interest as claimed, to the date of judgment, and for his costs, if claimed, according to Form 92;

(b) where the claim is for or includes a claim for recovery of land, for possession of the land, and for his costs, if claimed, according to Form 93; and

(c) where the claim is for the recovery of chattels, for the delivery of such chattels, and for his costs, if claimed, according to Form 98. O. Reg. 36/73, s. 14, *part*.

52. Where the claim is for or includes a claim for the recovery of land and a defendant has by his appearance limited his defence to part of such land, the plaintiff may as against such defendant sign judgment according to Form 96 for possession of that part of the land as to which no defence is made. O. Reg. 36/73, s. 14, *part*.

53. Where a plaintiff would have been entitled to sign judgment for failure of a defendant to comply with rule 42, he is entitled to sign a similar judgment, with necessary modifications, for default of defence.

O. Reg. 36/73, s. 14, *part*.

54. Where the plaintiff is entitled to sign default judgment, the judgment may be signed notwithstanding that the writ may be endorsed with any other claim and any such judgment shall be without prejudice to his right to proceed against any other defendant for the same relief or against any defendant for any other relief. O. Reg. 36/73, s. 14, *part*.

Noting Pleadings Closed

55.—(1) Where a defendant is in default in delivering his statement of defence and the plaintiff is not entitled to sign judgment, the plaintiff may require the registrar to note the pleadings closed and thereafter no statement of defence by the party in default shall be delivered without leave of the court.

(2) Pleadings shall not be noted closed unless a statement of claims has been delivered.

(3) Pleadings shall not be noted closed after the expiration of one year from the date when such default occurred, without leave of the court. O. Reg. 36/73, s. 14, *part*.

(4) A defendant against whom the pleadings have been noted closed for default in delivering his statement of defence shall be deemed to admit all the allegations of fact made in the statement of claim and, unless otherwise ordered, shall not be entitled to notice of motion for judgment or to

notice of trial or to notice of any other proceedings. O. Reg. 36/73, s. 14, *part*; O. Reg. 569/75, s. 3.

MOTIONS FOR JUDGMENT

56. In any action where the plaintiff is not entitled to sign judgment for default of appearance or defence or to move for judgment, the plaintiff shall note pleadings closed and set the action down for trial. O. Reg. 36/73, s. 14, *part*.

57. Except after trial, a plaintiff may not move for judgment,

- (a) in a matrimonial cause;
- (b) in an action to declare the invalidity of a marriage; or
- (c) for unliquidated damages, unless on consent or to implement a settlement. O. Reg. 36/73, s. 14, *part*.

58.—(1) Where the defendant files an appearance to a writ specially endorsed and delivers an affidavit of merits, the plaintiff may either move for judgment, or cross-examine upon such affidavit and thereafter move for judgment.

(2) On any such motion, where the court is satisfied that the defendant has not a good defence to the action or has not disclosed such facts as may be deemed sufficient to entitle him to defend the action, judgment may be given for the plaintiff.

(3) On any such motion, instead of granting judgment, the court may give the defendant leave to defend on such terms as seem just, or make an order for a speedy trial of the action with or without pleadings upon proper terms.

(4) Such motion may be made in respect of a cause of action specially endorsed, though the writ may also be endorsed with any other claim.

(5) Where a defendant does not dispute the plaintiff's claim but sets up a counter-claim, the court may stay proceedings respecting the claim until the counter-claim is disposed of.

(6) Where the defence disclosed applies only to a part of the plaintiff's claim, or any part of his claim is admitted to be due, the plaintiff shall have judgment forthwith for such part of his claim as the defence does not apply to, or as is admitted to be due, subject to such terms, if any, as to staying execution or payment into court as seem just, and the defendant may be allowed to defend as to the residue of the plaintiff's claim, or a reference may be directed under subrule (7).

(7) Where it appears that the defence disclosed is substantially only as to the amount recoverable,

the court may direct a reference, and either pronounce judgment to take effect on the confirmation of the report, or reserve further directions and questions of costs for consideration after the report is made. O. Reg. 36/73, s. 14, *part*.

59. Where a writ is specially endorsed the plaintiff may, either before or after service thereof, apply *ex parte* for leave to serve notice of motion for judgment and, where some special reason for urgency is shown, such leave may be given subject to such directions as seem just. O. Reg. 36/73, s. 14, *part*.

60. Where the plaintiff's claim is for an accounting and a statement of claim has been delivered, the plaintiff may move for judgment, and, unless the defendant satisfies the court that there is some preliminary question to be tried, judgment with a reference may be pronounced.

61.—(1) After pleadings have been noted closed, a plaintiff may, subject to rules 57 and 62, move for judgment upon the statement of claim.

(2) Where pleadings have been noted closed against one defendant and the action proceeds to trial as against another defendant, such motion may be made at the trial. O. Reg. 36/73, s. 14, *part*.

(3) Where issues arise otherwise than between plaintiff and defendant and if any party to any such issue makes default in delivering any pleading, the court may, at the trial or on motion, give such judgment as upon the pleadings seems just. O. Reg. 437/73, s. 1.

62. A motion for judgment in default of defence shall not be set down for hearing after the expiration of one year from the date when the plaintiff first became entitled to note the pleadings closed, without leave of the court. O. Reg. 36/73, s. 14, *part*.

63. A party may, at any stage of an action, apply for such judgment or order as he may, upon any admissions of fact in the pleadings or in the examination of any other party or of an officer or servant of a corporation which is a party to the action, be entitled to; and it is not necessary to wait for the determination of any other question between the parties. O. Reg. 1030/80, s. 1.

64. A party may, at any stage of an action, apply for such judgment or order as he may be entitled to where the only evidence consists of documents and such affidavits as are necessary to prove their execution or identity without the necessity of any cross-examination, or, where minors are concerned, and evidence is necessary so far only as they are concerned, for the purpose of proving facts that are not disputed. O. Reg. 36/73, s. 14, *part*.

65. On any motion for judgment, judgment may be awarded against any defendant and any such judgment shall be without prejudice to the plaintiff's right to proceed against any other defendant for the same relief or against any defendant for any other relief. O. Reg. 36/73, s. 14, *part*.

DOWER ACTIONS

65a. REVOKED: O. Reg. 216/78, s. 3.

65b. REVOKED: O. Reg. 216/78, s. 4.

65c. REVOKED: O. Reg. 216/78, s. 5.

65d. REVOKED: O. Reg. 216/78, s. 6.

PARTIES AND JOINDER OF CAUSES OF ACTION

Generally

66. All persons may be joined in an action as plaintiffs in whom any right to relief in respect of or arising out of the same transaction or occurrence, or series of transactions or occurrences, is alleged to exist, whether jointly, severally or in the alternative, where if such persons brought separate actions any common question of law or fact would arise; but, if, upon the application of a defendant, it appears that such joinder may embarrass or delay the trial of the action, the court may order separate trials, or make such other order as may be expedient; and, without any amendment, judgment may be given for such one or more of the plaintiffs as may be found entitled to relief, for such relief as he or they may be entitled to, but the defendant, though unsuccessful, is entitled to his costs occasioned by joining any person who is not found entitled to relief, unless the court otherwise orders. R.R.O. 1970, Reg. 545, r. 66.

67. Where the plaintiff claims that the same transaction or occurrence, or series of transactions or occurrences, give him a cause of action against one or more persons, or, where he is in doubt as to the person from whom he is entitled to redress, he may join as defendants all persons against whom he claims any right to relief, whether jointly, severally or in the alternative, and judgment may be given against one or more of the defendants according to their respective liabilities, but the court may order separate trials or make such other order as is considered expedient if such joinder is considered oppressive or unfair. R.R.O. 1970, Reg. 545, r. 67.

68. It is not necessary that every defendant to an action be interested as to all the relief claimed, or as to every cause of action included therein. R.R.O. 1970, Reg. 545, r. 68.

69. A plaintiff may unite, in the same action, several causes of action. R.R.O. 1970, Reg. 545, r. 69.

70. A claim by or against husband and wife may be joined with a claim by or against either of them separately. R.R.O. 1970, Reg. 545, r. 70.

71. A claim by or against an executor or administrator may be joined with a claim by or against him personally if the last mentioned claim is alleged to have arisen with reference to the estate represented by him in the action. R.R.O. 1970, Reg. 545, r. 71.

72. A claim by plaintiffs jointly may be joined with a claim by them or any of them separately against the same defendant. R.R.O. 1970, Reg. 545, r. 72.

73. If several causes of action joined in the same action are such as cannot be conveniently disposed of in one action, the court may order any of them to be excluded, or may direct the issues respecting the separate causes of action to be tried separately. R.R.O. 1970, Reg. 545, r. 73.

74.—(1) Trustees, executors and administrators may sue and be sued on behalf of, or as representing, the property or estate of which they are trustees or representatives, without joining any of the persons beneficially interested, and shall represent them; but the court may at any time order any of them to be made parties in addition to, or in lieu of, the previous parties.

(2) This rule applies to an action to enforce a security by foreclosure or otherwise. R.R.O. 1970, Reg. 545, r. 74.

NOTE: *As to parties to mortgage actions where no personal representative, see R.S.O. 1980, c. 143, s. 8.*

75. Where there are numerous persons having the same interest, one or more may sue or be sued or may be authorized by the court to defend on behalf of, or for the benefit of, all. R.R.O. 1970, Reg. 545, r. 75.

76. Where the right of an heir at law or of the next of kin, or of a class, or of an unborn person, depends upon the construction of an instrument, and it is not known or is difficult to ascertain who is such heir at law or next of kin or class, and the court deems it convenient to have the question determined before the heir at law, next of kin or class in question is ascertained, or before the birth of any unborn person, the court may appoint some person to represent the heir at law, next of kin or class, or unborn person, and the judgment of the court is binding upon the person or class or unborn person so represented. R.R.O. 1970, Reg. 545, r. 76.

77. The court may appoint some person to represent, for the purposes of any action or proceeding, the interest of any person or class, who may be not ascertained or who may be unborn, and the judgment of the court is binding upon the

person or class so represented. R.R.O. 1970, Reg. 545, r. 77.

78. In any proceedings under the *Variation of Trusts Act*, the court may appoint some person to represent the interest of any person or class which may be affected thereby. R.R.O. 1970, Reg. 545, r. 78.

79. Where in a proceeding concerning a trust a compromise is proposed and some of the persons interested in the compromise are not parties to the proceeding, but there are other persons in the same interest before the court and assenting to the compromise, the court, if satisfied that the compromise will be for the benefit of the absent persons and that to require service on them would cause unreasonable expense or delay, may approve the compromise and order that the same shall be binding on the absent persons, and they are bound accordingly, except where the order has been obtained by fraud or non-disclosure of material facts. R.R.O. 1970, Reg. 545, r. 79.

80. A residuary legatee or next of kin may have a judgment for the administration of the personal estate of a deceased person without serving the other residuary legatees or next of kin. R.R.O. 1970, Reg. 545, r. 80.

81. A legatee interested in a legacy charged upon real estate or a person interested in the proceeds of real estate directed to be sold may have a judgment for the administration of the estate of a deceased person without serving any other legatee or person interested in the proceeds. R.R.O. 1970, Reg. 545, r. 81.

82. A residuary devisee or heir may have the like judgment without serving any other residuary devisee or heir. R.R.O. 1970, Reg. 545, r. 82.

83. One *cestui que trust* under an instrument may have a judgment for the execution of the trusts of the instrument without serving the other *cestuis que trust*. R.R.O. 1970, Reg. 545, r. 83.

84. In actions for the protection of property and in cases in the nature of waste, one person may sue on behalf of himself and of all persons having the same interest. R.R.O. 1970, Reg. 545, r. 84.

85. An executor, administrator or trustee may obtain a judgment against any one legatee, next of kin or *cestui que trust* for the administration of the estate or the execution of the trusts. R.R.O. 1970, Reg. 545, r. 85.

86. The court may require any other person to be made a party to an action to which rules 80 to 85 apply, and may give the conduct of the action to such party as it considers proper, and may make such order as it considers just for placing the plaintiff on the record on the same footing in regard to costs as

other persons having a common interest with him in the matter in question. R.R.O. 1970, Reg. 545, r. 86.

87. Where a reference is directed, the persons who, but for rules 80 to 85, would have been necessary parties shall be served with an office copy of the judgment (unless the court or Master dispenses with such service) endorsed with a notice according to Form 43, and after such service they are bound by the proceedings in the same manner as if they had been originally made parties; and, upon notice to the plaintiff, they may at their own risk as to costs require notice to be given them to enable them to attend the proceedings under the judgment, and any person so served may apply to the court to add to, vary or set aside the judgment within ten days from the date of such service. R.R.O. 1970, Reg. 545, r. 87.

88. In administration proceedings, no person, other than the executor or administrator, is, unless by leave, entitled to appear on the claim of any person against the estate of the deceased. R.R.O. 1970, Reg. 545, r. 88.

89. An assignee of a chose in action may sue in respect thereof without making the assignor a party. (See R.S.O. 1980, c. 90, s. 53.) R.R.O. 1970, Reg. 545, r. 89.

90. The court, if it thinks fit, may pronounce a judgment saving the rights of all persons not parties. R.R.O. 1970, Reg. 545, r. 90.

91. Where it appears that a deceased person who was interested in the matters in question has no personal representative, the court may either proceed in the absence of any person representing his estate or may, on such notice as seems proper, appoint some person to represent the estate for all the purposes of the action or other proceeding, notwithstanding that the estate in question may have a substantial interest in the matters, or that there may be active duties to be performed by the person so appointed, or that he may represent interests adverse to the plaintiff, or that administration of the estate whereof representation is sought is claimed, and the order so made and any orders consequent thereon bind the estate of such deceased person in the same manner as if a duly appointed personal representative of such person had been a party to the action or proceeding. R.R.O. 1970, Reg. 545, r. 91.

Minors and Mentally Incompetent Persons

92.—(1) A minor may sue or counter-claim by his next friend, and may defend by his guardian appointed for that purpose or by the Official Guardian, as the case may be.

(2) Where the Official Guardian is guardian *ad litem* for a minor, he may act as next friend for the purpose of asserting a counter-claim on behalf of the minor. R.R.O. 1970, Reg. 545, r. 92.

93. Where a defendant who is a minor is not represented by the Official Guardian, a guardian may be appointed for him by the court. R.R.O. 1970, Reg. 545, r. 93.

94. Where the appointment of a guardian, other than the Official Guardian, to defend an action or matter is desired, the court may appoint a guardian for that purpose upon being satisfied by affidavit that the proposed guardian is a fit and proper person and has no adverse interest, and the court may examine the proposed guardian or the person making the affidavit, *viva voce*, or require further evidence to be adduced until satisfied of the propriety of the appointment. R.R.O. 1970, Reg. 545, r. 94.

95. A mentally incompetent person not so found by inquisition or judicial declaration may sue by his next friend and may defend by his guardian. R.R.O. 1970, Reg. 545, r. 95.

96.—(1) Where no appearance has been entered to a writ of summons for a defendant who is a mentally incompetent person not so found, the plaintiff may apply for an order that a guardian of such defendant be appointed, by whom he may appear and defend.

(2) No such order shall be made unless it appears that the writ was duly served and that notice of the application was, after the expiration of the time allowed for appearance and at least six clear days before the day in the notice named for hearing the application, served upon or left at the dwelling-house of the person with whom the defendant resides or under whose care he is at the time of serving such notice.

(3) The Official Guardian shall be appointed, unless for good reason it is otherwise directed.

(4) Where the mentally incompetent person is confined in a psychiatric facility as defined by the *Mental Health Act*, the Public Trustee shall be appointed unless otherwise ordered. R.R.O. 1970, Reg. 545, r. 96.

97. Where a mentally incompetent person not so found by inquisition or judicial declaration is served with an office copy of a judgment or order or is made a party after judgment, a guardian *ad litem* shall be appointed for him after the like notice. R.R.O. 1970, Reg. 545, r. 97.

98. A mentally incompetent person who has been so found, and an absentee, may sue or defend by his committee. R.R.O. 1970, Reg. 545, r. 98.

99. A person who has been declared incapable under section 39 of the *Mental Incompetency Act* shall be represented by a person who is authorized under that Act. R.R.O. 1970, Reg. 545, r. 99.

100. Unless otherwise ordered, before the name of a person is used as next friend or as relator,

such person shall sign a written authority to the solicitor for that purpose, and the authority shall be filed in the office in which the cause or matter is commenced. R.R.O. 1970, Reg. 545, r. 100.

101. An action against a mentally incompetent person confined in a public hospital may be stayed upon an application made by the Public Trustee if it appears to the judge that the stay will work no injustice and will tend to facilitate the advantageous realization of the mentally incompetent person's estate. R.R.O. 1970, Reg. 545, r. 101.

Partners, etc.

102. Any two or more persons, whether British subjects or not and whether residing within or out of Ontario, claiming or being liable as partners and carrying on business within Ontario at the time of the accruing of the cause of action may sue or be sued in the name of the firm of which such persons were co-partners. R.R.O. 1970, Reg. 545, r. 102.

103. Where persons are sued as partners in the name of the firm, the writ shall be served either upon any one or more of the partners, or at the principal place within Ontario of the business of the partnership, upon any person having the control or management of the partnership business there; and such service shall be deemed good service upon the firm whether any of the members thereof are out of Ontario or not, but, in the case of a partnership that has been dissolved to the knowledge of the plaintiff before action, the writ of summons shall be served upon every person within Ontario sought to be made liable, and every person so served shall be informed by notice in writing given at the time of service whether he is served as a partner or as a person having the control or management of the partnership business, or in both characters, and in default of such notice the person served shall be deemed to be served as a partner. R.R.O. 1970, Reg. 545, r. 103.

104. Persons sued as partners in the name of the firm shall appear individually in their own names, but all subsequent proceedings shall continue in the name of the firm. R.R.O. 1970, Reg. 545, r. 104.

105. Where a writ is served upon a person as the person having the control or management of the partnership business, an appearance by him is not necessary unless he is a member of the firm. R.R.O. 1970, Reg. 545, r. 105.

106. A person served as a partner may,

- (a) enter an appearance under protest, denying that he is a partner, but such appearance does not preclude the plaintiff from otherwise serving the firm and obtaining judgment against the firm in default of

appearance if no partner has entered an appearance in the ordinary form; or

- (b) enter an appearance not only denying that he is a partner but also disputing the plaintiff's claim. R.R.O. 1970, Reg. 545, r. 106.

107.—(1) Where a judgment or order is obtained against a firm, execution may issue against the property of,

- (a) the partnership;
- (b) any person who has by his appearance or notice under rule 14 or pleading admitted that he is or who has been adjudged to be a partner;
- (c) any person who has been served as a partner with the writ of summons and has failed to appear.

(2) If the party who has obtained the judgment or order claims to be entitled to issue execution against any other person as being a member of the firm, he may apply for leave so to do, and the court may give such leave if the liability be not disputed, or, if disputed, after such liability has been determined in such manner as the court directs. R.R.O. 1970, Reg. 545, r. 107.

108. A judgment against a firm in the firm name does not release, render liable or affect any member thereof who was out of Ontario when the writ was issued and who has not appeared thereto, unless he has been served either within Ontario or in accordance with the rules respecting service out of Ontario, but this rule does not prevent the enforcement of the judgment against partnership property. R.R.O. 1970, Reg. 545, r. 108.

109. Rules 102 to 108 apply to actions between a firm and one or more of the members and to actions between firms having one or more members in common, if the firm or firms carry on business within Ontario, but execution shall not issue in such actions without leave, and, on application for leave, all such accounts and inquiries may be ordered and directions given as seem just. R.R.O. 1970, Reg. 545, r. 109.

110.—(1) Any person, whether a British subject or not, and whether residing within or out of Ontario, carrying on business within Ontario in a name or style other than his own name may be sued in such name or style.

(2) The writ may be served upon the person so carrying on the business if he be within Ontario, or at the place of business within Ontario (or if there are several such places, at the place within the county in which the cause of action arose), upon any person having the control or management of the business there.

(3) The person upon whom the writ is served shall be informed by notice in writing, given at the time of service, whether he is served as the person carrying on the business or as a person having the control or management of it, and in default of such notice he shall be deemed to be served as the person carrying on the business.

(4) The person so sued shall appear in his own name, but all subsequent proceedings shall continue in such name or style.

(5) A person served as the person carrying on the business may enter an appearance under protest denying that he is the person so carrying on the business, but such appearance does not preclude the plaintiff from otherwise serving the person sued or from obtaining judgment in default of appearance in the ordinary form by the person so sued.

(6) Any judgment or order in the action may be enforced by execution against,

- (a) the property of the person so sued, used or employed in or in connection with the business;
- (b) any property of a person who by his appearance or by notice under rule 14 has admitted that he is or has been adjudged to be the person carrying on the business, or has been served with the writ as the person carrying on the business and has failed to appear.

(7) Where judgment has been signed for default of appearance and the writ has not been personally served upon the person whom the plaintiff alleges to be carrying on the business, the court may give leave to issue execution against such person if his liability be not disputed, or, if disputed, after it has been determined in such manner as the court directs. R.R.O. 1970, Reg. 545, r. 110.

PLEADINGS

General Provisions

111. The plaintiff shall state the nature of his claim and the relief sought in a pleading to be called the "statement of claim" and may therein alter, modify or extend his claim as endorsed upon the writ. R.R.O. 1970, Reg. 545, r. 111 (1).

112 and 113. REVOKED: O. Reg. 36/73, s. 17.

114. Where a defendant sets up a counter-claim which raises questions between himself and the plaintiff and any other person, he shall add a second style of cause in which he is described as "Plaintiff by Counter-claim" and the plaintiff and such other person are described as "Defendants by Counter-claim". O. Reg. 36/73, s. 18.

115. REVOKED: O. Reg. 36/73, s. 19, *part.*

116. A defendant may set up by way of counter-claim any right or claim whether the same sounds in damages or not. R.R.O. 1970, Reg. 545, r. 116.

117. A counter-claim shall be treated as an action so as to enable the court to pronounce a final judgment upon all matters set up therein. R.R.O. 1970, Reg. 545, r. 117.

118. Where a defendant does not dispute the plaintiff's claim but sets up a counter-claim, the court may stay proceedings respecting the claim until the counter-claim is disposed of. R.R.O. 1970, Reg. 545, r. 118.

119. Where a plaintiff does not dispute the defendant's counter-claim, the court may stay proceedings upon the counter-claim until the claim is disposed of. R.R.O. 1970, Reg. 545, r. 119.

120. REVOKED: O. Reg. 36/73, s. 19, *part.*

121. No pleading subsequent to reply shall be delivered without leave. R.R.O. 1970, Reg. 545, r. 121.

122. As soon as either party has joined issue upon any pleading of the opposite party, or as soon as the time for delivering a reply or subsequent pleading has expired, the pleadings shall be deemed to be closed. R.R.O. 1970, Reg. 545, r. 122.

123. REVOKED: O. Reg. 36/73, s. 19, *part.*

124. Either party is entitled to raise by his pleadings any point of law, and by consent of the parties or by leave of a judge, the point of law may be set down for hearing at any time before the trial, otherwise it shall be disposed of at the trial. R.R.O. 1970, Reg. 545, r. 124.

125. Upon the determination of the point of law, the court may pronounce such judgment as is deemed proper. R.R.O. 1970, Reg. 545, r. 125.

126. A judge may order any pleading to be struck out on the ground that it discloses no reasonable cause of action or answer, and in any such case, or in case of the action or defence being shown to be frivolous or vexatious, may order the action to be stayed or dismissed, or judgment to be entered accordingly. R.R.O. 1970, Reg. 545, r. 126.

127. Where an issue is directed to be tried, it shall be filed in the office in which the proceedings are carried on, and thereafter the proceedings in the issue shall be carried on in the same manner as the proceedings in an action. R.R.O. 1970, Reg. 545, r. 127; O. Reg. 520/78, s. 1.

128.—(1) The parties to any cause may concur in stating questions of law arising in the form of a

special case for the opinion of the court and may agree that, on the judgment of the court being given in the affirmative or negative to the question or questions of law raised, certain specific relief may be awarded.

(2) Upon the argument of the case, the entire contents of the documents referred to therein may be read, and the court may draw from the facts and documents any inference, either of fact or law, as at a trial. R.R.O. 1970, Reg. 545, r. 128.

129. A plaintiff may, without leave, amend his statement of claim, including a claim specially endorsed on the writ, once, either before the statement of defence has been delivered, or after it has been delivered and before the expiration of the time limited for reply, and before replying. R.R.O. 1970, Reg. 545, r. 129.

130. Where a plaintiff has amended his statement of claim, the opposite party shall plead thereto or amend his pleading within the time he then has to plead, or within ten days from the delivery of the amendment, whichever last expires, and, in case the opposite party has pleaded before the delivery of the amendment and does not plead again or amend within the time above mentioned, he shall be deemed to rely on his original pleading in answer to such amendment. R.R.O. 1970, Reg. 545, r. 130.

131. Either party may amend his pleadings at any time on filing the written consent of the opposite party. R.R.O. 1970, Reg. 545, r. 131.

132. An amendment may be made by leave of the court, or of the judge at the trial, and such amendment shall be at once made on the face of the record. R.R.O. 1970, Reg. 545, r. 132.

133. A party who has obtained leave to amend shall make the amendment within the time limited by the order, or, if no time is limited, within ten days from the date of the order. R.R.O. 1970, Reg. 545, r. 133.

134. A pleading may be amended by written alterations in the copies filed and served and by additions on paper to be interleaved therewith if necessary, unless the amendments are so numerous or of such a nature that making them in the copies filed and served would render them difficult or inconvenient to read, in either of which cases the amendment shall be made by delivering a fresh copy of the pleading as amended. R.R.O. 1970, Reg. 545, r. 134.

135. Where a pleading is amended, a memorandum shall be made in the margin stating the date of and authority for the amendment, and the amendment shall be written or underlined in ink of a different colour from that used in the original pleading. R.R.O. 1970, Reg. 545, r. 135.

136.—(1) The court may, at any stage of the proceedings, order that the name of a plaintiff or defendant improperly joined be struck out, and that any person who ought to have been joined, or whose presence is necessary in order to enable the court effectually and completely to adjudicate upon the questions involved in the action, be added or, where an action has through a *bona fide* mistake been commenced in the name of the wrong person as plaintiff or where it is doubtful whether it has been commenced in the name of the right plaintiff, the court may order any person to be substituted or added as plaintiff.

(2) No person shall be added or substituted as a plaintiff or as the next friend of a plaintiff without his own consent in writing thereto being filed.

(3) Parties added or substituted as defendants shall, unless otherwise ordered, be served with the amended writ of summons, and the proceedings as against them shall be deemed to have begun only at the time when they are added. R.R.O. 1970, Reg. 545, r. 136.

137. If a statement of claim has been delivered previously to a defendant being added, it shall be amended in such manner as the making of the new defendant a party may render desirable, and a copy of the amended statement of claim shall also be served on the new defendant. R.R.O. 1970, Reg. 545, r. 137.

138. The court may order that any pleading, petition or affidavit, or any part of a pleading, petition or affidavit, which is scandalous, be taken off the file, or may direct the scandalous matter to be expunged. R.R.O. 1970, Reg. 545, r. 138.

139. Any pleading that may tend to prejudice, embarrass or delay the fair trial of the action may be struck out or amended. R.R.O. 1970, Reg. 545, r. 139.

140. A further and better statement of the nature of the claim or defence or further and better particulars of any matter stated in any pleading or special endorsement may be ordered in all cases (Form 71). R.R.O. 1970, Reg. 545, r. 140.

GENERAL RULES OF PLEADING

141. Every writ, pleading or other document may be printed, typewritten or written in whole or in part. R.R.O. 1970, Reg. 545, r. 141.

142. Every pleading shall be filed, and served upon all parties concerned therewith, and shall be marked on the face with the date of filing, and with the title of the action, the description of the pleading, and the name and place of business of the solicitor of the party filing it, or the name and address of the party filing it if he does not act by a solicitor. R.R.O. 1970, Reg. 545, r. 142.

143. Pleadings shall contain a concise statement of the material facts upon which the party pleading relies, but not the evidence by which they are to be proved, and dates, sums and numbers shall be expressed in figures. R.R.O. 1970, Reg. 545, r. 143.

144. Each party shall admit such of the material allegations contained in the pleading of the opposite party as are true, and a defendant shall not deny generally the allegations contained in the statement of claim but shall set forth the facts upon which he relies even though this may involve the assertion of a negative. R.R.O. 1970, Reg. 545, r. 144.

145. A defendant to an action or counter-claim shall raise all matters that show the action or counter-claim not to be maintainable, or that the transaction is either void or voidable in point of law, and all such grounds of defence as if not raised would be likely to take the opposite party by surprise, or would raise issues of fact not arising out of the preceding pleadings, as, for instance, fraud, the *Limitations Act*, release, payment, performance, facts showing illegality either by statute or common law, or the *Statute of Frauds*. R.R.O. 1970, Reg. 545, r. 145.

146. Except as otherwise provided, the silence of a pleading as to any allegation contained in the previous pleading of the opposite party shall not be construed as an admission of the truth of such allegation. R.R.O. 1970, Reg. 545, r. 146.

147. Every statement of claim and counter-claim shall state specifically the relief claimed, either simply or in the alternative, and may also ask for general relief, and, when damages are claimed, the amount shall be named. R.R.O. 1970, Reg. 545, r. 147.

148. Any condition precedent, the performance or occurrence of which is intended to be contested, shall be distinctly specified in his pleading by the party relying thereon, and an averment of the performance or occurrence of all conditions precedent necessary for the case by the plaintiff or defendant shall be implied in his pleading. R.R.O. 1970, Reg. 545, r. 148.

149. Where the contents of any document are material, it is sufficient in any pleading to state the effect thereof as briefly as possible, without setting out the whole or any part thereof. R.R.O. 1970, Reg. 545, r. 149.

150. Where it is material to allege malice, fraudulent intention, knowledge or other condition of the mind of any person, it is sufficient to allege the same as a fact, without setting out the circumstances from which the same is to be inferred. R.R.O. 1970, Reg. 545, r. 150.

151. Where it is material to allege notice to a person of any fact, matter or thing, it is sufficient to allege such notice as a fact unless the form or

precise terms of the notice is or are material. R.R.O. 1970, Reg. 545, r. 151.

152. Where a contract or relation between persons does not arise from an express agreement, but it is to be implied from a series of letters or conversations, or otherwise from a number of circumstances, it is sufficient to allege the contract or relation as a fact. R.R.O. 1970, Reg. 545, r. 152.

153. Neither party need in any pleading allege any matter of fact that the law presumes in his favour, or as to which the burden of proof lies upon the other side (*e.g., consideration for a bill of exchange*). R.R.O. 1970, Reg. 545, r. 153.

154. If either party wishes to deny the alleged constitution of a partnership, or the right of any other party to claim as executor, or as trustee, or as assignee in insolvency, or in any representative or other alleged capacity, he shall deny the same specifically, or the same will be taken to be admitted. R.R.O. 1970, Reg. 545, r. 154.

155. Unless the incorporation of a corporate party is specifically denied, it is not necessary to prove it. R.R.O. 1970, Reg. 545, r. 155.

156. Where a contract is alleged, a denial of the contract shall be construed only as a denial of the making of the contract in fact, and not of its legality or its sufficiency in law, whether with reference to the *Statute of Frauds* or otherwise. R.R.O. 1970, Reg. 545, r. 156.

157. A defendant in an action for the recovery of land who is in possession by himself or his tenant need not plead his title, unless his defence depends on an equitable estate or right, or he claims relief upon any equitable ground against any right or title asserted by the plaintiff, but, except in the cases hereinbefore mentioned, it is sufficient to state by way of defence that he is so in possession, and he may rely upon any ground of defence that he can prove. R.R.O. 1970, Reg. 545, r. 157.

158. Where a defendant by virtue of any statute enabling him so to do pleads not guilty by statute, he shall in his defence refer to the statute giving the right so to plead, and also to all statutes upon which he relies, giving chapter and section in every such reference, and, if so required, shall deliver particulars of his defence. R.R.O. 1970, Reg. 545, r. 158.

159. A subsequent pleading shall not raise any new ground of claim or contain any allegation of fact inconsistent with the previous pleadings of the party pleading the same. R.R.O. 1970, Reg. 545, r. 159.

160. In actions for libel or slander in which the defendant does not by his defence assert the truth of the statement complained of, he is not entitled

on the trial without the leave of the presiding judge to give evidence in chief, with a view to mitigation of damages, as to the circumstances under which the libel or slander was published or as to the character of the plaintiff, unless in his pleading or by notice given seven days at least before the trial he furnishes particulars in writing to the plaintiff of the matters as to which he intends to give evidence. R.R.O. 1970, Reg. 545, r. 160.

161. A ground of defence or counter-claim that has arisen after action but before the defendant has delivered his statement of defence may be pleaded either alone or with other grounds of defence. R.R.O. 1970, Reg. 545, r. 161.

162. If, after a counter-claim has been delivered, a ground of defence thereto arises it may be pleaded in answer thereto. R.R.O. 1970, Reg. 545, r. 162.

163. Where a ground of defence or counter-claim arises after the delivery of the statement of defence or counter-claim, the defendant may, within ten days after such ground of defence or counter-claim has arisen, deliver a further defence or counter-claim, setting forth the same, or introduce the same by amendment into his statement of defence or counter-claim. R.R.O. 1970, Reg. 545, r. 163.

164. Where a ground of defence to a counter-claim arises after the delivery of the defence thereto, the defendant to the counter-claim may, within ten days after such ground of defence has arisen, deliver a further pleading setting forth the same, or may set up such new ground of defence by amendment. R.R.O. 1970, Reg. 545, r. 164.

165. Any such amendment may be made on *procaepie*. R.R.O. 1970, Reg. 545, r. 165.

166. Where a defendant pleads any ground of defence or counter-claim that has arisen after the commencement of the action, the plaintiff may deliver a confession of such defence, and he may thereupon sign judgment for his costs up to the time of the pleading of such defence unless otherwise ordered (Forms 29 and 101). R.R.O. 1970, Reg. 545, r. 166.

THIRD-PARTY PROCEDURE

167.—(1) Where a defendant who has entered an appearance claims to be entitled to contribution or indemnity or any other relief over against any person not a party to the action, hereinafter called a third party, he may issue in the office in which the action was commenced a third party notice in accordance with Form 25, which shall be sealed in the same manner as a writ of summons and he shall at the same time file a statement of his claim against the third party. O. Reg. 106/75, s. 14, *part*.

(2) A copy of the notice certified by the defendant's solicitor shall be filed with the registrar

at the time the notice is issued. R.R.O. 1970, Reg. 545, r. 167 (2).

(3) Unless otherwise provided, the notice and the statement of the defendant's claim against the third party shall be served on the third party within ten days after the defendant's statement of defence has been delivered or the time limited for the delivery thereof has expired, together with a copy of the writ, a copy of the plaintiff's statement of claim and copies of any other proceedings taken in the action.

(4) A copy of the notice and the statement of the defendant's claim against the third party shall be served on the plaintiff within the times prescribed for service of the notice upon the third party. O. Reg. 106/75, s. 14, *part*.

168. A third party notice may be set aside upon an application made at any time before the time limited for the entry of the appearance and delivery of the statement of defence of the third party. R.R.O. 1970, Reg. 545, r. 168.

169.—(1) Unless otherwise provided, if a third party desires to dispute his liability to the defendant or the plaintiff's claim in the action as against the defendant he shall enter an appearance and deliver his statement of defence within fifteen days from service of the notice. R.R.O. 1970, Reg. 545, r. 169 (1); O. Reg. 106/75, s. 15, *part*.

(2) The defendant shall deliver his reply, if any, to the third party's statement of defence within ten days from service of such statement of defence. R.R.O. 1970, Reg. 545, r. 169 (2).

(3) The statement of the defendant's claim against the third party, the third party's statement of defence and the reply, if any, shall constitute the record in the third party proceedings. O. Reg. 106/75, s. 15, *part*.

170. Where the third party makes default in entering an appearance to the third party notice and in delivering a statement of defence to the statement of the defendant's claim against the third party,

- (a) he shall be deemed to admit the validity of any judgment obtained (whether by consent or on default or otherwise) against such defendant, and his own liability to contribute or indemnify, claimed in the third party proceedings;
- (b) the defendant giving the notice, in case he suffers judgment at any time before trial, is entitled at any time to move for judgment against the third party to the extent of the contribution, indemnity or relief over claimed in the third party proceedings;
- (c) if the action is tried and results in favour of the plaintiff, the judge who tries the action may, at or after the trial, direct

such judgment as the nature of the case requires to be entered for the defendant giving the notice against the third party. O. Reg. 106/75, s. 16.

171. Where the third party enters an appearance to the third party notice and delivers a statement of defence to the statement of the defendant's claim against the third party he may also, if so advised, deliver a statement of defence to the plaintiff's statement of claim, to be so entitled, raising therein any defence open to the defendant which has not been raised by the defendant in his statement of defence, and the plaintiff shall thereupon be at liberty to deliver a reply to such statement of defence within ten days after service thereof, and such pleadings shall be included in and form part of the record in the action. O. Reg. 106/75, s. 17.

171a. Where the third party has entered an appearance to the third party notice and delivered a statement of defence to the statement of the defendant's claim against the third party,

- (a) he shall be served with all subsequent pleadings and proceedings in the action;
- (b) the third party and the defendant may have production and discovery each from the other in the same manner as between a plaintiff and a defendant;
- (c) notice shall be given to the third party in the same manner as to a party to the action of all examinations for discovery between the plaintiff and the defendant; and
- (d) where the third party has also delivered a statement of defence to the plaintiff's statement of claim, the plaintiff and third party may have production and discovery each from the other. R.R.O. 1970, Reg. 545, r. 171a; O. Reg. 106/75, s. 18.

171b.—(1) After the close of pleadings in the third party issue the defendant or third party shall set the third party issue down for trial at the same sitting of the court for which the action between the plaintiff and defendant was set down, irrespective of the date of the commencement of such sittings. R.R.O. 1970, Reg. 545, r. 171b (1).

(2) The party setting the issue down shall serve notice of trial forthwith upon the opposite party and the plaintiff and file the notice with proof of service thereof with the officer with whom the issue was set down within ten days after the issue was set down. R.R.O. 1970, Reg. 545, r. 171b (2); O. Reg. 870, s. 2.

(3) The provisions of rule 248 apply with necessary modifications.

(4) The issue shall be placed on the list for trial next following the action between the plaintiff

and defendant and shall be tried at or after the trial of the action as the trial judge may direct.

(5) The third party shall be at liberty to appear at the trial of the action and take part therein in such manner and to such extent as the trial judge may direct.

(6) The third party shall be bound by any judgment or decision in the action. R.R.O. 1970, Reg. 545, r. 171*b* (3-6).

171*c*. A third party who has entered an appearance and delivered a statement of defence shall be notified of all proceedings subsequent to trial and shall have the right to participate therein, and may appeal from any judgment or order as if he were a defendant. R.R.O. 1970, Reg. 545, r. 171*c*.

171*d*.—(1) Where a third party claims to be entitled to contribution or indemnity from or other relief over against another person, he may in the same manner as a defendant, within fifteen days of service of the third party notice upon him, issue and serve a notice upon such person and the plaintiff, and the provisions of all the rules relating to third party procedure apply with necessary modifications. R.R.O. 1970, Reg. 545, r. 171*d*; O. Reg. 106/75, s. 19.

(2) Where a person served with a notice by a third party in turn claims to be entitled to contribution or indemnity from or other relief over against another person, the provisions of subrule (1) shall apply as regards such further person and any other further person or persons served, successively.

(3) Where pursuant to subrules (1) and (2) a notice is served on a person already a party to the action, service of the notice may be effected on the solicitor in the action, if any, of the person sought to be made liable as a subsequent party. R.R.O. 1970, Reg. 545, r. 171*d* (2, 3).

171*e*. Where an action is commenced by a specially endorsed writ and a defendant who has entered an appearance and filed an affidavit of merits issues a third party notice,

- (a) the third party notice and the statement of the defendant's claim against the third party shall be served on the third party within fifteen days after the service of the writ upon the defendant, together with a copy of the writ and a copy of the affidavit of merits of the defendant and within the same time a copy of the third party notice and the statement of the defendant's claim against the third party shall be served upon the plaintiff;
- (b) if the third party desires to dispute the plaintiff's claim in the action as against the defendant or his own liability to the defendant, he shall enter an appearance and no further proceedings shall be taken

in the action until an order for directions has been made which order shall be applied for by the defendant issuing the third party notice within ten days after the entry of appearance by the third party;

- (c) in default of the defendant applying for directions, the plaintiff may make the application;
- (d) upon an application being made the court may give such directions analogous to the rules respecting third party procedure including any directions necessary for the disposition of the action; and
- (e) where the third party makes default in entering an appearance the defendant giving the notice, in case the plaintiff recovers judgment against him, is entitled at any time to move for judgment against the third party to the extent of contribution, indemnity or relief over claimed in the third party proceedings. R.R.O. 1970, Reg. 545, r. 171*e*; O. Reg. 106/75, s. 20.

171*f*. Any party affected by the third party proceedings may apply for directions other than those provided for in these rules. R.R.O. 1970, Reg. 545, r. 171*f*.

172. A defendant who claims to be entitled to contribution or indemnity from or relief over against any other defendant may issue and serve a third party notice against such defendant, and the provisions of the rules relating to third party procedure apply with necessary modifications except that service of the third party notice may be effected on the solicitor in the action, if any, of the defendant sought to be made liable as a third party. R.R.O. 1970, Reg. 545, r. 172.

173. A plaintiff is not to be prejudiced or unnecessarily delayed by reason of questions between the defendant and the third party in which he is not concerned, and upon the application of the plaintiff the court may impose such terms as may be necessary to prevent delay of the plaintiff where it may be done without injustice to the defendant and third party. R.R.O. 1970, Reg. 545, r. 173.

TIME AND VACATIONS

174. Where a period of less than six days is prescribed, holidays shall not be reckoned. R.R.O. 1970, Reg. 545, r. 174.

175.—(1) Where a number of days not expressed to be clear days is prescribed, they shall be reckoned exclusively of the first day and inclusively of the last day.

(2) Where the days are expressed to be clear days, or where the term "at least" is added, both

days shall be excluded. R.R.O. 1970, Reg. 545, r. 175.

176. Where the time for doing any act or taking any proceeding expires on a holiday, the act or proceeding may be done or taken on the next juridical day. R.R.O. 1970, Reg. 545, r. 176.

177. Any time prescribed may be enlarged or abridged by consent in writing, without order. R.R.O. 1970, Reg. 545, r. 177.

178. The court may from time to time enlarge or abridge the time prescribed by the rules, or by an order, for doing any act or taking any proceeding, and this power may be exercised although the application is not made until after the expiration of the time prescribed. R.R.O. 1970, Reg. 545, r. 178.

179. The vacations are,

(a) the long vacation, consisting of the months of July and August; and

(b) the Christmas vacation, consisting of the period from the 24th day of December to the 6th day of the following January, both days inclusive. R.R.O. 1970, Reg. 545, r. 179.

180. REVOKED: O. Reg. 492/74, s. 1.

181. REVOKED: O. Reg. 492/74, s. 2.

182. REVOKED: O. Reg. 36/73, s. 20.

183. REVOKED: O. Reg. 492/74, s. 3.

184. REVOKED: O. Reg. 492/74, s. 4.

MISCELLANEOUS PROVISIONS

Effect of Non-compliance and Errors

185. A proceeding shall not be defeated by any formal objection, but all necessary amendments shall be made, upon proper terms as to costs and otherwise, to secure the advancement of justice, the determining of the real matter in dispute, and the giving of judgment according to the very right and justice of the case. R.R.O. 1970, Reg. 545, r. 185.

186. Non-compliance with the rules does not render the writ or any act or proceeding void, but the same may be set aside, either wholly or in part, as irregular, or may be amended, or otherwise dealt with, as seems just. R.R.O. 1970, Reg. 545, r. 186.

187. An application to set aside any proceeding for irregularity shall be made within a reasonable time and shall not be allowed if the party applying

has taken a fresh step after knowledge of the irregularity. R.R.O. 1970, Reg. 545, r. 187.

188. Where an amendment is directed or allowed at the trial, it is not necessary to issue an order therefor, and the amendment, unless otherwise directed, shall be made at once on the record. R.R.O. 1970, Reg. 545, r. 188.

189.—(1) Where an amendment of a record of the court or document filed, other than a pleading, is directed, no physical alteration of the record or document shall be made, but a note shall be made in the margin or other convenient place of the amendment directed.

(2) Where a judgment or order recorded by photographic plate, microphotographic film or photocopy negative has been so amended, the judgment or order as amended shall be recorded and appropriately indexed. R.R.O. 1970, Reg. 545, r. 189.

Form of Documents, Size of Paper, etc.

190.—(1) All writs, pleadings, affidavits, judgments, orders and other documents shall be printed, typewritten, written or reproduced legibly upon one side of good quality paper eleven inches by eight and one-half inches with a margin upon the left-hand side.

(2) All such documents shall have a single space between lines and a triple space between paragraphs except pleadings, affidavits, judgments and orders which shall have a double space between lines. R.R.O. 1970, Reg. 545, r. 190 (1, 2).

(3) All transcripts of evidence and examinations shall conform to the following standards:

1. Evidence shall be transcribed on paper 11 inches long and 8½ inches wide, with a margin on the left side, denoted by a vertical line, preprinted, one inch from the left edge of the paper and extending from line 1 to line 32, and each 5th line shall be numbered consecutively from top to bottom, in the area to the left of that left-hand margin.
2. The court designation and location or, in the case of a special examiner, the examiner's name, title and location shall be located on a single line across the page no lower than ¾ of an inch from the top edge of the page.
3. A transcript page shall consist of approximately 280 words on 32 space and a half typewritten lines, exclusive of page number. Headings, (i.e. swearing of witness, examination-in-chief, cross-examinations) shall be capitalized. On a transcript page on which headings appear, the said page shall be reduced by one typewritten line per heading to allow for separation of headings from the body of the transcript.

4. The lines on which the question and answer originate shall be indented 1½ inches from the left-hand margin and shall be 5 inches in length and the second and subsequent lines shall extend from the left-hand margin for a distance of 6½ inches.
5. In examinations for discovery each question shall be numbered, the numbering to be contained in an area extending no further than ½ inch from the left-hand margin and the line on which the question originates shall be indented 1½ inches from the left-hand margin and the second and subsequent lines shall be 6 inches in length.
6. In all transcripts of *viva voce* evidence, the question shall be preceded by the letter "Q" and the answer by the letter "A", the answer to commence on a separate line.
7. The distance between the "Q" and the start of the question and between the "A" and the start of the answer shall be no greater than ¾ of an inch.
8. The arraignment or reading of a charge, quotations and setting up of exhibits, shall be indented in their entirety no more than 1½ inches from the left-hand margin and shall be set out on lines of typing 5 inches in length.
9. Every transcript shall contain an index showing the name of each witness with a page reference to where his examination, cross-examination and re-examination commence and shall also contain a list of the exhibits with the page number at which they appear in the evidence.

(3a) Where a transcript is ordered, the special examiner is responsible for filing the original transcript in the proper court.

(3b) Delivery of a transcript shall be made to any ordering party within four weeks of the date of the receipt of the order. O. Reg. 379/80, s. 1.

(4) Records for trial in the Supreme Court shall be backed in light blue coloured paper, in the County Court in light grey coloured paper, and in the Surrogate Court in light green coloured paper, of 130M weight cover stock. R.R.O. 1970, Reg. 545, r. 190 (6); O. Reg. 990/76, s. 3, *part*.

(5) Appeal books shall be bound front and back in buff coloured paper of 130M weight cover stock. R.R.O. 1970, Reg. 545, r. 190 (7); O. Reg. 990/76, s. 3, *part*.

(6) Transcripts of evidence for use in appeal except when such transcripts form part of the appeal book shall be bound in red coloured paper of 130M weight cover stock and where there is more than one volume the volumes shall be clearly

numbered. R.R.O. 1970, Reg. 545, r. 190 (8); O. Reg. 990/76, s. 3, *part*.

(7) Every document filed shall be endorsed with the short style of cause, the nature of the document, the name of the solicitor preparing or filing it, and the court file number. R.R.O. 1970, Reg. 545, r. 190 (9); O. Reg. 990/76, s. 3, *part*.

(8) All documents filed in proceedings in the Supreme Court shall have endorsed thereon the name of the county or district in which the proceedings were commenced. R.R.O. 1970, Reg. 545, r. 190 (10); O. Reg. 990/76, s. 3, *part*.

191. No notice shall be given orally. R.R.O. 1970, Reg. 545, r. 191.

192.—(1) In all proceedings in an action, except the writ of summons, pleadings, judgments and reports, the following short style of cause is sufficient:

"Between John Smith and others—*Plaintiffs*
and
Richard Roe and others—*Defendants*"

(2) In proceedings under any particular Act (e.g., the *Mechanics' Lien Act*), the style of cause shall be: "In the matter of (*naming the statute*), Between A.B., Plaintiff, and C.D., Defendant (*or* A.B., Applicant, and C.D., Respondent)". R.R.O. 1970, Reg. 545, r. 192.

Copies and Service of Papers

193. Where service of affidavits and other documents is required, true copies, legibly written, type-written or printed, are to be served. R.R.O. 1970, Reg. 545, r. 193.

194. Where an office copy of an order or judgment is directed to be served, it shall be certified by the officer in whose office the order or judgment is entered. R.R.O. 1970, Reg. 545, r. 194.

195. A party requiring a copy of an affidavit, exhibit or document not directed to be served shall serve a demand for it and it shall be served with all convenient speed. R.R.O. 1970, Reg. 545, r. 195.

196. A party entitled to copies of or extracts from any document in possession of another party may be directed to pay for such copy at the rate of ten cents per folio, if the request for such copy is deemed unreasonable, or the solicitor of the party producing the document is at liberty to give notice that the party requiring such copy is at liberty at some reasonable time and place himself to make it, in which case the party producing is not entitled to any fee in respect thereof. R.R.O. 1970, Reg. 545, r. 196.

197. REVOKED: O. Reg. 242/67, s. 7.

198. REVOKED: O. Reg. 242/67, s. 8.

199. REVOKED. O. Reg. 242/67, s. 9.

200. Admissions and acceptances of the service of an order, notice of motion or other paper, upon the opposite solicitor, need not be verified by affidavit. R.R.O. 1970, Reg. 545, r. 200.

201.—(1) Documents that do not require personal service shall be served upon the solicitor of the party to be served. R.R.O. 1970, Reg. 545, r. 201 (1).

(2) Such service may be made by leaving the document to be served with a clerk in the solicitor's office or by ordinary mail to such solicitor's office, by properly addressing, prepaying and posting an envelope with a return address thereon, containing the document to be served, or by depositing the document to be served at a document exchange of which the solicitor of the party to be served is a member or subscriber, provided that the original and a true copy of the document to be served are date-stamped at the document exchange in the presence of the person depositing the document. O. Reg. 933/79, s. 1.

(3) Where a document has been mailed pursuant to subrule (2), the document, unless the contrary is shown, shall be deemed to have been served on the fourth day following that on which it was so mailed. O. Reg. 285/71, s. 2 (b).

(4) Where a document has been deposited at a document exchange pursuant to subrule (2), the document, unless the contrary is shown, shall be deemed to have been served on the next juridical day following that on which it was so deposited and date-stamped. O. Reg. 933/79, s. 2.

202.—(1) Where a party sues or defends in person and no address for service of such party is given, or where a defendant served with a writ of summons or notice in lieu thereof has not appeared thereto, no document that does not require personal service need be served unless the court otherwise directs. R.R.O. 1970, Reg. 545, r. 202 (1).

(2) If an address for service upon a party is given, all documents are sufficiently served upon such party if mailed to him at his address for service, and the method of mail and the time at which he shall be deemed to have been served shall be as in rule 201. R.R.O. 1970, Reg. 545, r. 202 (2); O. Reg. 285/71, s. 3 (a).

203. Where at the time of attendance to serve a document the office of the solicitor for the party upon whom the service is sought to be made is closed or no one is in attendance therein for receiving documents served, service of the document may be effected by mailing it at any time during the same day, addressed to the solicitor, at his office, by registered mail, and the service shall be deemed to have been effected at the time of the attendance for that purpose at the office of the solicitor. R.R.O. 1970, Reg. 545, r. 203.

204. Service of a writ and of other documents in a mortgage action may be effected,

- (a) in the case of a subsequent encumbrancer who is an execution creditor, by serving the solicitor who issued the execution, or in the case of a renewed execution, by serving the solicitor obtaining the last renewal; and
- (b) in the case of a subsequent encumbrancer who is a mechanics' lien claimant, by serving the solicitor who filed the claim for lien. R.R.O. 1970, Reg. 545, r. 204.

205. It is not necessary to regular service that the original document be shown, unless sight thereof is demanded. R.R.O. 1970, Reg. 545, r. 205.

206. Unless otherwise ordered, service shall be effected during vacation and on Saturdays before one o'clock in the afternoon, and on other days before the hour of four o'clock in the afternoon, and service effected after those hours shall be deemed to have been made on the next juridical day. R.R.O. 1970, Reg. 545, r. 206.

MOTIONS

207. All motions shall be heard in open court except as provided in the rules. O. Reg. 520/78, s. 3.

208. Any power conferred upon the court may be exercised upon such terms as to costs and otherwise as are deemed just. R.R.O. 1970, Reg. 545, r. 208.

209. The following motions need not be heard in open court unless the judge hearing the motions so directs:

- 1. For the sale, lease or mortgaging of the estates of minors.
- 2. As to the custody, guardianship, maintenance, and advancement of minors.
- 3. For administration or partition without action.
- 4. Relating to the conduct of actions or matters.
- 5. For the payment of money into court.
- 6. Applications for leave to issue and to vacate certificates of *lis pendens*.
- 7. Appeals from an interlocutory judgment or order of the Master or local judge.
- 8. Motions for judgment under rule 58.

9. For an order upon consent dismissing an action either with or without costs.
10. Applications under the *Mental Incompetency Act*.
11. Applications for and on the return of a writ of habeas corpus.
12. Motions for interpleader.
13. Motions to wind up companies under the Federal or Ontario Acts.
14. Motions for payment of money out of court.
15. Motions under rules 546, 567 and 775L.
16. Applications for interim corollary relief under section 10 of the *Divorce Act* (Canada).
17. Motions for interim relief under the *Family Law Reform Act*.
18. Originating motions under paragraphs 3, 4, 6 and 10 of rule 607.
19. Motions under any statute that authorizes an application to a judge.
20. Motions before a Justice of Appeal.
21. Motions which are made *ex parte* or on consent or which are shown, to the satisfaction of the judge, to be unopposed.
22. Other motions with respect to which the judge is satisfied that the possibility of prejudice or injustice to the parties or any of them outweighs the desirability of holding the hearing in open court. O. Reg. 520/78, s. 4.

210. The Master, sitting otherwise than in open court, is empowered and required to dispose of all motions properly made under paragraphs 1 to 20 of rule 209, except with respect to the following matters, whether *ex parte*, on consent or otherwise:

1. Matters relating to criminal proceedings or the liberty of the subject.
2. Appeals and applications in the nature of appeals.
3. Extending the time for appealing to an appellate court.
4. Applications for arrest.
5. Proceedings as to mentally incompetent persons.

6. Originating motions, other than those for administration, partition or interpleader.
7. Applications as to the custody, maintenance or guardianship of minors, or the sale, lease, mortgage of or dealing with minors' estates or settled estates but this exception shall not include applications under paragraph 16 of rule 209 or other interlocutory applications for the interim custody or interim maintenance of minors.
8. Opposed applications for judgment for partition or administration.
9. The payment of money out of court, or dispensing with the payment of money into court, in administration and partition matters.
10. Allowing taxed costs in lieu of commission under rule 660.
11. Striking out a jury notice except for irregularity or on consent of all parties to the action.
12. Any matter which is expressly required to be done by a judge.
13. The removal of causes from inferior courts.
14. The making of orders for reference under the *Arbitrations Act*.
15. Staying proceedings after verdict or judgment at a trial.
16. Application for restraining orders under the *Family Law Reform Act*. O. Reg. 520/78, s. 5.

Local Judges and Local Masters

211. A local judge or a local master has in all causes and matters in his county and in interpleader proceedings where the goods in respect of which interpleader is sought are situate in his county concurrent jurisdiction with, and the same power and authority, as the Master at Toronto. R.R.O. 1970, Reg. 545, r. 211.

212.—(1) A local judge, in actions brought in his county, possesses the like powers as a judge with regard to,

- (a) motions for judgment in undefended actions other than matrimonial causes;
- (b) motions to appoint receivers after judgment by way of equitable execution;
- (c) applications for leave to serve short notice of a motion to be made before a judge,

and, where the solicitors for all parties reside in his county or agree that the same shall be heard before him, any motion or application except,

(d) any other motion or application where the solicitors for all parties reside in his county or agree that the same shall be heard before him, except,

(i) applications for taxed or increased costs under Rule 660,

(ii) motions for injunction, except as provided in Rule 213,

(iii) motions to strike out a jury notice other than for irregularity or on consent. R.R.O. 1970, Reg. 545, r. 212 (1); O. Reg. 628/76, s. 2, O. Reg. 520/78, ss. 6, 6a.

(2) Where a minor or mentally incompetent person is concerned, the powers conferred by subrule (1) shall not be exercised without the consent of the Official Guardian or of the committee or guardian of or the person authorized to act on behalf of the mentally incompetent person. R.R.O. 1970, Reg. 545, r. 212 (2); O. Reg. 284/71, s. 3, *part*.

(3) A local judge possesses the like powers as a judge of the High Court with regard to claims for relief under the *Divorce Act* (Canada) and claims for any other relief joined in a petition for divorce, if he has been appointed a local judge of the High Court of Justice for Ontario by the Governor General and whether or not the action is brought in his county. O. Reg. 216/78, s. 9.

213.—(1) A local judge may in cases of emergency grant an *ex parte* injunction in any action brought in his county upon proof to his satisfaction that the delay required for an application to a judge is likely to involve a failure of justice, but such injunction shall not be for a longer period than eight days.

(2) If all parties interested consent, the local judge may hear any motion to continue, vary or dissolve the injunction. R.R.O. 1970, Reg. 545, r. 213.

214. Motions for partition or administration may be made before a judge or the local judge of the county where the land (or if more than one parcel, any parcel) is situate or the testator or intestate died. R.R.O. 1970, Reg. 545, r. 214; O. Reg. 520/78, s. 7.

General Provisions as to Motions

215. An application in an action or proceeding shall be made by motion, and, unless the nature of the application or the circumstances of the case render it impracticable, notice of the motion shall be given to all parties affected by the order sought (Form

39). R.R.O. 1970, Reg. 545, r. 215; O. Reg. 520/78, s. 8.

216. If on the hearing of a motion it appears that a person to whom notice has not been given ought to have had notice, the court may either dismiss the motion or adjourn the hearing thereof in order that notice may be given. R.R.O. 1970, Reg. 545, r. 216.

217. Except where otherwise expressly provided or unless leave is given, there shall be at least two days between the service of a notice of motion in an action and the day for hearing and at least seven days between the service of an originating notice and the day for hearing. O. Reg. 106/75, s. 21.

218. If satisfied that the delay necessary to give notice of motion might entail serious mischief, the court may make an interim order *ex parte*. R.R.O. 1970, Reg. 545, r. 218.

219. A party affected by an *ex parte* order, or any party who has failed to appear on an application through accident or mistake, or insufficient notice of the application may move to rescind or vary the order by notice served within seven days and returnable before the judge or officer who made the order, or any judge or officer having jurisdiction, within ten days after the order came to his notice. O. Reg. 106/75, s. 22.

220. Every notice of motion by way of appeal shall specify the grounds intended to be argued. R.R.O. 1970, Reg. 545, r. 220.

221. A notice of motion to set aside a proceeding for irregularity shall specify the irregularity complained of and the objections intended to be insisted on. R.R.O. 1970, Reg. 545, r. 221.

222. The court may direct any application to be turned into a motion for judgment. O. Reg. 107/74, s. 3.

223. Where upon an application for an interim injunction or upon any other motion it appears expedient to direct an early trial, the court may make such order as is deemed necessary to secure an early hearing, either at the place named for trial or such other place as is convenient. R.R.O. 1970, Reg. 545, r. 223.

224. REVOKED: O. Reg. 36/73, s. 22, *part*.

225.—(1) Any motion or matter improperly brought before the Master or a local judge may be adjourned by him before the court. R.R.O. 1970, Reg. 545, r. 225 (2); O. Reg. 520/78, s. 9, *part*; s. 10.

(2) Any motion improperly made before an appellate court may be adjourned to the proper court and any motion that should have been made before an appellate court made before a judge of the High

Court may be adjourned to the proper appellate court. O. Reg. 115/72, s. 5; O. Reg. 520/78, s. 9, *part*.

226. Where a minor or a mentally incompetent person is a defendant or interested in a fund in court, no order in any way affecting his interest shall be made without notice to his guardian *ad litem* or committee. R.R.O. 1970, Reg. 545, r. 226.

227.—(1) An attendance on a motion, or on an appointment before a master, registrar or other officer, for half an hour next immediately following the return thereof, shall be deemed a sufficient attendance, and no such motion shall be made or matter be proceeded with *ex parte*, before the expiry of such half-hour. R.R.O. 1970, Reg. 545, r. 227 (1); O. Reg. 520/78, s. 11.

(2) Notwithstanding this rule, the Taxing Officer may proceed *ex parte* after the expiration of fifteen minutes from the time appointed. R.R.O. 1970, Reg. 545, r. 227 (2); O. Reg. 451/77, s. 2.

228. Evidence upon a motion may be given by affidavit. R.R.O. 1970, Reg. 545, r. 228.

229.—(1) Where a person has made an affidavit of merits or an affidavit to be used upon a motion or at a trial or on a reference, he may be cross-examined thereon before any officer having jurisdiction in the county in which the witness resides, upon the solicitor of the party on whose behalf the affidavit has been filed being served with an appointment two days before the day appointed for the cross-examination. O. Reg. 285/71, s. 4, *part*; O. Reg. 628/76, s. 3.

(2) The solicitor shall forthwith communicate the appointment to the person required to attend. O. Reg. 285/71, s. 4, *part*; O. Reg. 628/76, s. 4.

(3) The attendance of such a person may also be required under rules 344 and 345. O. Reg. 285/71, s. 4, *part*.

(4) Where any such person resides out of Ontario the court may order that such cross-examination be taken at such place and in such manner as seems just and convenient, and service of the order and of all papers necessary to obtain the cross-examination may be made on the solicitor of the party on whose behalf the affidavit has been filed. O. Reg. 285/71, s. 4, *part*; O. Reg. 628/76, s. 5.

(5) Where any person refuses or neglects to attend at the time or place appointed for his cross-examination on his affidavit, or refuses to be sworn or to answer any proper question put to him, proceedings may forthwith be had for attachment and the court may also, or in lieu thereof, order that the affidavit be struck out. O. Reg. 285/71, s. 4, *part*.

230. Any party may by subpoena require the attendance of a witness to be examined, before any

officer having jurisdiction in the county in which the witness resides, for the purpose of using his evidence upon any motion. R.R.O. 1970, Reg. 545, r. 230.

231. Witnesses may by leave of the court be examined *viva voce* before the court upon any motion. R.R.O. 1970, Reg. 545, r. 231.

232. The court may order the issue of a writ of *habeas corpus ad testificandum* to issue directly to the sheriff, jailer or other officer having the custody of a prisoner, to produce him for any examination authorized by these rules or as a witness at a trial (Form 59). R.R.O. 1970, Reg. 545, r. 232.

233. Where money is directed to be paid into a bank, the certificate of the cashier, manager, agent or like officer of the bank, of default in making such payment, is sufficient evidence of such default. R.R.O. 1970, Reg. 545, r. 233.

234. On all appeals, or hearings in the nature of appeals, and on all motions for a new trial, the court or judge appealed to has all the powers as to amendment and otherwise of the court, judge or officer appealed from, and full discretionary power to receive further evidence, either by affidavit, oral examination before the court or judge appealed to, or as may be directed. R.R.O. 1970, Reg. 545, r. 234 (1).

235. Upon any motion the court has power to direct the trial of an issue upon oral evidence and may enlarge the motion before the judge at the trial of the issue. R.R.O. 1970, Reg. 545, r. 235.

235a. Where the judge or master, on the hearing of any motion, is satisfied that any party is attempting to delay a proceeding or add to the costs thereof, or otherwise abuse the process of the court by a multiplicity of frivolous or vexatious motions, he may prohibit any such party from bringing any further motions in the proceeding without leave. O. Reg. 933/79, s. 3.

236. Where an application under Part V of the *Succession Law Reform Act* is directed to be heard by a judge of the Supreme Court, the judge making such order may give directions as to the delivery of pleadings, examination for discovery and production as he considers proper and, subject to any further order of a judge, shall fix the time and place of hearing. R.R.O. 1970, Reg. 545, r. 236; O. Reg. 216/78, s. 10.

237.—(1) All papers for use on a motion at Toronto shall be filed in the Registrar's office, and, when no longer required, all such papers and all papers forwarded for use on the motion shall be transmitted to the office in which the proceedings were commenced.

(2) Motions, except *ex parte* motions, shall be set down in the Registrar's office, at least one day before the return date.

(3) All papers to be used on the hearing shall be left with the Registrar on the day before that on

which the motion is to be heard, and shall be marked with the name of the office where the proceedings were commenced.

(4) All documents sent from local offices to Toronto shall be sent to the Registrar at Toronto, postage or express charges prepaid.

(5) Unless otherwise directed by the judge, *ex parte* and unopposed motions shall be heard before contested motions. O. Reg. 520/78, s. 12.

238.—(1) Unless otherwise ordered, in all cases where an appeal is taken to a judge of the High Court (other than an appeal from a taxing officer or an appeal under rule 514), and in all cases where a motion is made to a judge of the High Court under subrules 607 (1), (2), (7), (9) or (10) or rules 611, 612 or 629,

(a) the appellant or the applicant, as the case may be, shall on or before the day prior to the hearing of the appeal or motion, transmit to the Registrar sufficient copies for the use of the court and furnish to every respondent a record containing copies of documents in the following order,

(i) an index,

(ii) the notice of appeal or notice of motion,

(iii) in the case of an appeal, the judgment or order appealed from the reasons for judgment, if any,

(iv) a concise statement, without argument, of the facts and law relied on by the appellant or applicant,

(v) such other material as is necessary for the due hearing of the appeal or motion;

(b) every respondent shall, on or before the day prior to the appeal or motion coming on for hearing, transmit to the Registrar sufficient copies for the use of the court and furnish to each of the parties one copy of,

(i) any new material filed by him for use on the appeal or motion, and

(ii) a concise statement, without argument, of the facts and law relied on by him.

(2) Unless otherwise ordered, in all cases where an appeal is taken to a judge of the High Court from a taxing officer or under rule 514, and in all cases where a motion is made to a judge of the High Court other than a motion referred to in subrule (1), the appellant

or the applicant, as the case may be, shall on or before the day prior to the hearing of the appeal or motion, transmit to the Registrar sufficient copies for the use of the court and furnish to every respondent a record containing copies of documents in the following order,

(a) an index;

(b) the notice of appeal or notice of motion;

(c) in the case of an appeal, the judgment or order appealed from and the reasons for judgment, if any;

(d) a list of all relevant transcripts of evidence in chronological order, provided that it shall not be necessary to include in the record a copy of any transcript of evidence;

(e) such other material as is necessary for the due hearing of the appeal or motion. O. Reg. 379/80, s. 2.

239. All motions may be heard and determined by the judge at sittings held at Ottawa and London where,

(a) the motion is *ex parte*;

(b) all parties consent;

(c) the matter in controversy arose in the county in which such sittings are held;

(d) Ottawa is named as the place of hearing and all respondents reside in, or their solicitors have offices in, any of the following counties, namely, Carleton, Lanark, Leeds and Grenville, Prescott and Russell, Stormont, Dundas and Glengarry, or Renfrew, and, except where all the respondents reside or their solicitors have offices in Ottawa, notice of such motion is served upon such respondents at least four clear days before the return date thereof;

(e) London is named as the place of hearing and all respondents reside in, or their solicitors have offices in, any of the following counties, namely, Middlesex, Lambton, Elgin, Oxford, Perth, Norfolk, Kent, Huron or Essex, and, except where all the respondents reside or their solicitors have offices in London, notice of such motion is served upon such respondents at least four clear days before the return date thereof; or

(f) a judge directs any proceedings to be heard at such sittings. R.R.O. 1970, Reg. 545, r. 239; O. Reg. 520/78, ss. 13, 14.

240. The local registrar at Ottawa and the local registrar at London shall act as registrar and clerk of the court. R.R.O. 1970, Reg. 545, r. 240.

241. All proceedings to be brought on at any such sittings shall be filed with the clerk of the court at least two days before the day appointed for the sittings; and immediately after the time for filing has expired the clerk shall notify the Registrar at Toronto of the state of the list. R.R.O. 1970, Reg. 545, r. 241.

242. Where the judge appointed is unable to attend, such sittings may be presided over by any other judge or by a judge of any county court, upon such judge of a county court being requested by a judge to attend for that purpose. R.R.O. 1970, Reg. 545, r. 242.

243.—(1) At any sittings appointed for the trial of actions, any motion that may be made before a judge may be made if,

- (a) the solicitors for all parties consent;
- (b) the matter in controversy arose in the county;
- (c) the party opposing or showing cause or his solicitor resides in the county; or
- (d) the application relates to an action entered for trial at the sittings.

(2) Such a motion shall be set down two days before the sittings unless the judge presiding permits it to be set down later. R.R.O. 1970, Reg. 545, r. 244; O. Reg. 32/78, s. 1; O. Reg. 520/78, s. 15.

PRE-TRIAL CONFERENCE

244.—(1) When an action, cause or matter has been set down for trial or hearing, the court, upon the application of a party or upon its own motion, may, in its discretion, direct the solicitors for the parties or any party not represented by solicitor, to appear before it, in the case of the solicitors, with or without the parties, for a conference to consider,

- (a) the simplification of the issues;
- (b) the possibility of obtaining admissions which might facilitate the trial or hearing;
- (c) the quantum of damages;
- (d) estimating the duration of the trial;
- (e) fixing a date for the trial or hearing;
- (f) the advisability of directing a reference; or
- (g) any other matters that may aid in the disposition of the action, cause or matter or the attainment of justice. O. Reg. 32/78, s. 2, *part*.

(2) Following the conference, counsel may sign a memorandum reciting the results of the conference and the court may make an order giving such directions as the court considers necessary or advisable and any such memorandum or order shall be attached to the record and shall bind the parties, provided that the judge at the trial or hearing may modify the order as he deems just. O. Reg. 933/79, s. 4, *part*.

(3) The judge who conducts a pre-trial conference in any action, cause or matter shall be deemed not to be seized of such action, cause or matter and shall not thereafter try or hear such action, cause or matter.

(4) All documents which may be of assistance in achieving the purposes of the pre-trial conference, such as medical reports and reports of experts, shall be made available to the judge presiding at the pre-trial conference. O. Reg. 32/78, s. 2, *part*.

(5) Unless otherwise ordered by the judge presiding at the pre-trial conference, the costs of the pre-trial conference shall be costs in the cause. O. Reg. 933/79, s. 4, *part*.

(6) Nothing in this rule shall prevent a judge before whom a case has been called for trial from holding such a conference either before or during the trial without disqualifying himself from trying the action. O. Reg. 32/78, s. 2, *part*.

TRIALS

245. Subject to any special statutory provisions, the place of trial of an action shall be regulated as follows:

1. The plaintiff in his statement of claim shall name the county in which he proposes that the action shall be tried.
2. Where the cause of action arose and the parties reside in the same county, the place to be named shall be that county.
3. Except in mortgage actions, where possession of land is claimed, the place to be named shall be the county in which the land is situate.
4. In matrimonial causes,
 - (a) where the petitioner is resident in Ontario the place to be named shall be the county in which either spouse ordinarily resides; and
 - (b) where the petitioner is resident out of Ontario the place to be named shall be the county in which the respondent spouse ordinarily resides.
5. The action shall be tried in the county so named, unless otherwise ordered upon

the application of either party. R.R.O. 1970, Reg. 545, r. 245.

246.—(1) Where a statement of defence or answer has been delivered, and pleadings are closed, any party who has delivered a pleading and is ready for trial may serve upon every other party who has delivered a pleading and file, with proof of service, a certificate of readiness according to Form 38.

(2) Where all parties entitled to do so have delivered certificates of readiness, any such party may set the action down for trial.

(3) Subject to any order enlarging or abridging the time, where one or more but not all parties entitled to do so have delivered a certificate of readiness and sixty days have elapsed since the delivery of the first such certificate, any such party may set the action down for trial.

(4) Except by leave of the court, a party who has delivered a certificate of readiness, shall not initiate or continue any interlocutory proceedings or any form of discovery. O. Reg. 520/71, s. 5; O. Reg. 36/73, s. 24, *part*.

247.—REVOKED: O. Reg. 36/73, s. 25.

248.—(1) The party setting an action down for trial shall file at that time a record containing a certified copy of,

- (a) the pleadings and particulars;
- (b) any statement of property or statement of financial information filed in the action pursuant to the provisions of the *Family Law Reform Act*; and
- (c) any order containing directions respecting the trial. O. Reg. 216/78, s. 11.

(2) Such record shall contain the full style of cause, and shall show the date when the writ was issued, and shall give the names of the solicitors for the several parties, and shall show, if such be the case, that judgment has been signed or the pleadings have been noted closed as against any parties in default. R.R.O. 1970, Reg. 545, r. 248 (2).

NOTE: *Where there is a jury notice, a copy shall be attached to the record.*—*Judicature Act, R.S.O. 1980, c. 223, s. 60 (2).*

249.—(1) In all actions other than matrimonial causes and causes wherein pleadings have been noted closed, notice of trial (Forms 35 and 37) shall be given by the party setting down the action within ten days thereafter and he shall forthwith file such notice and proof of service thereof with the officer with whom the action was set down. R.R.O. 1970, Reg. 545, r. 249 (1); O. Reg. 36/73, s. 27, *part*.

(2) Save as provided in rule 799, in matrimonial causes notice of hearing (Forms 146 and 147) shall

be given to all parties to the proceedings by the party setting the proceedings down for hearing within twenty days thereafter, and he shall forthwith file such notice and proof of service thereof with the officer with whom the proceedings were set down. R.R.O. 1970, Reg. 545, r. 249 (2).

(3) Except in actions in the Supreme Court to be tried at Toronto, an action shall be set down and notice of trial (Form 35) shall be served ten days before the day fixed for the commencement of the sittings for which such notice of trial is given and unless otherwise ordered by a judge the notice shall be filed not later than six clear days before the first day of such sittings. R.R.O. 1970, Reg. 545, r. 249 (3); O. Reg. 36/73, s. 27, *part*; O. Reg. 127/76, s. 1.

(4) REVOKED: O. Reg. 36/73, s. 27, *part*.

(5) Any party who has been served with notice of trial may forthwith file in like manner the notice served upon him with proof of service thereof. R.R.O. 1970, Reg. 545, r. 249 (5); O. Reg. 36/73, s. 27, *part*.

(6) When notice of trial with proof of service thereof on all parties required to be served is filed, the action shall forthwith be placed on the list of cases for trial at the sittings for which the action was set down. R.R.O. 1970, Reg. 545, r. 249 (6); O. Reg. 36/73, s. 27, *part*.

(7) If two or more parties have set the action down for trial, it shall be placed on the list in the order of the first entry. R.R.O. 1970, Reg. 545, r. 249 (7).

250. An action to be tried without a jury elsewhere than at Toronto may be set down for trial at any sittings appointed for the place named for the trial of such action. R.R.O. 1970, Reg. 545, r. 250.

251. Actions not tried, not struck off the list or disposed of at any sittings for which they were on the list for trial, unless otherwise ordered by a judge, shall stand in their respective order at the head of the next succeeding list, and it shall not be necessary to serve or file further notice of trial. R.R.O. 1970, Reg. 545, r. 251.

252. If, when an action is called on for trial, the defendant appears and the plaintiff does not, the defendant is entitled to judgment dismissing the action, and, if he has a counter-claim, may prove such claim. R.R.O. 1970, Reg. 545, r. 252.

253. The judge at the trial may,

- (a) order a witness, whether or not a party, to be excluded from the court until called to give evidence;
- (b) require a party to be examined before the other witnesses on his behalf; and
- (c) exclude the testimony of any person who does not conform with an order made under clause (a) or clause (b) of this rule. R.R.O. 1970, Reg. 545, r. 253.

254. The judge may in any case disallow any question put to a witness that appears to the judge to be vexatious and not relevant to any matter proper to be enquired into at the trial. R.R.O. 1970, Reg. 545, r. 254.

255.—(1) At the trial, the addresses to the jury shall be regulated as follows:

1. At the conclusion of the case of the party who begins, if the opposite party states his intention to be not to adduce evidence, and he has not adduced evidence, the party who begins has the right to address the jury for the purpose of summing up the evidence, and the opposite party has the right to reply.
2. If the opposite party does not state his intention to be not to adduce evidence, or if he has adduced evidence, he has the right to open his case, and (after the conclusion of such opening) to adduce such evidence as he thinks fit, and when all the evidence is concluded, to sum up the evidence, and the party who begins has the right to reply.

(2) Where a defendant claims a remedy over against a co-defendant, he has the right to address the jury after the co-defendant.

(3) Where a party is represented by counsel, the right conferred by this rule shall be exercised by his counsel. R.R.O. 1970, Reg. 545, r. 255.

256.—(1) Where, through accident or mistake or other cause, a party omits or fails to prove some fact material to his case, the judge may proceed with the trial, subject to such fact being afterwards proved at such time as the judge directs, and, if the case is being tried by a jury, the judge may direct the jury to find a verdict as if such fact had been proved, and the verdict shall take effect on such fact being afterwards proved as directed, and, if not so proved, judgment shall be entered for the opposite party, unless the judge otherwise directs.

(2) Subrule (1) does not apply to an action for defamation. R.R.O. 1970, Reg. 545, r. 256.

257. Where equitable issues are raised by the pleadings, they shall, unless the trial judge otherwise directs, be tried, and the damages, if any, incidental thereto, assessed by the judge without the intervention of a jury. R.R.O. 1970, Reg. 545, r. 257.

258. Where both legal and equitable issues are raised and notice for a jury has been given, the action shall be entered for trial at the jury sittings, and such issues shall be tried at the same time, unless the trial judge otherwise directs. R.R.O. 1970, Reg. 545, r. 258.

259. Damages in respect of any continuing cause of action shall be assessed down to the time of the assessment. R.R.O. 1970, Reg. 545, r. 259.

260. A party is not entitled to judgment at the trial or on motion on the ground of his pleading being true, if the facts proved are not sufficient in point of law to entitle him to judgment. R.R.O. 1970, Reg. 545, r. 260.

261. If in an action to recover land the plaintiff is, at the time of the service of the writ, entitled to possession, but his right afterwards expires, he may by leave discontinue the action, and the costs are in the discretion of the court. R.R.O. 1970, Reg. 545, r. 261.

262.—(1) Exhibits shall be marked and numbered in accordance with Form 136, and the registrar attending the trial shall, at the conclusion thereof, make a list of the exhibits, giving a description of each exhibit, and stating by whom it was put in (Form 137). The exhibits of each party shall be classified separately in such list.

(2) The exhibits shall remain in court until judgment is given and during any stay of proceedings, and thereafter shall be delivered out, without order, upon the application of either party upon notice to the other, unless an appeal is taken, when the exhibits shall be retained until the appeal is disposed of. R.R.O. 1970, Reg. 545, r. 262.

263. Where exhibits have not been applied for within two years from the date of the trial, the officer in whose custody they are may notify the solicitors for the parties that unless they are applied for in three months they will be destroyed, and, unless such exhibits are applied for within that period, he may by leave of a judge destroy them. R.R.O. 1970, Reg. 545, r. 263.

264. The verdict and judgment shall be endorsed on the record, and shall also be recorded by the registrar or officer acting as clerk at the sittings in a book to be kept for recording the proceedings thereat. R.R.O. 1970, Reg. 545, r. 264.

265. The judge by whom any cause or matter is tried with or without a jury, and the court before which any cause or matter is brought by way of appeal, may inspect any property or thing concerning which any question arises therein, and where the sanity of a party is in question, may examine him for the purpose of determining his sanity. R.R.O. 1970, Reg. 545, r. 265.

266. A view by the jury may be ordered by the judge presiding at the trial. R.R.O. 1970, Reg. 545, r. 266.

267.—(1) The court may obtain the assistance of merchants, engineers, accountants, actuaries or scientific persons, in such way as it thinks fit, the better to enable it to determine any matter of fact in question in any cause or proceeding, and may act on the certificate of such persons.

(2) The court may fix the remuneration of any such person and may direct payment thereof by any of the parties. R.R.O. 1970, Reg. 545, r. 267(1, 2).

267a. The rate of interest to be used in determining the capitalized value of an award in respect of future pecuniary damages, to the extent that it reflects the difference between estimated investment and price inflation rates, is $2\frac{1}{2}$ per cent per annum. O. Reg. 379/80, s. 3.

EVIDENCE

268. The witnesses at the trial of an action or an assessment of damages shall be examined *viva voce* and in open court, but a judge may at any time, for sufficient reason, order that any particular fact or facts may be proved by affidavit, or that the affidavit of a witness may be read at the trial, on such condition as he deems just, or that a witness whose attendance ought for some sufficient cause to be dispensed with, be examined before an examiner; but where the other party *bona fide* desires the production of a witness for cross-examination and such witness can be produced, an order shall not be made authorizing his evidence to be given by affidavit. R.R.O. 1970, Reg. 545, r. 268.

269. All witnesses in a matter pending before a master shall be examined *viva voce*, unless it is otherwise ordered by the master or by the court on special grounds. R.R.O. 1970, Reg. 545, r. 269.

270. The court may, in any cause or matter where it appears necessary for the purposes of justice, make an order for the examination upon oath before an officer of the court or any other person and at any place, of any person, and may permit such deposition to be given in evidence (Form 77). R.R.O. 1970, Reg. 545, r. 270.

271. Service of any notice may, in the absence of an admission of service, be proved by an affidavit of the solicitor in the cause, or his clerk. R.R.O. 1970, Reg. 545, r. 271.

272. A subpoena may be issued from any office of the court at any time in blank and may be completed by the solicitor or party, and any number of names may be inserted in one subpoena (Form 57). R.R.O. 1970, Reg. 545, r. 272; O. Reg. 990/76, s. 4.

273.—(1) No subpoena for the production of an original record, or of an original document from any registry office, shall be issued, but an order for its production or transmission may be made which shall be obeyed by the officer in whose custody it is.

(2) Except in special circumstances requiring or justifying the production of the original, no such order shall be made where the document may be proved by a certified copy and any officer re-

quired to produce a document is entitled to be paid ordinary witness fees. R.R.O. 1970, Reg. 545, r. 273.

274. A party who desires to call as a witness at the trial an opposite party who is within the jurisdiction may either subpoena him or give him or his solicitor at least five days' notice of the intention to examine him as a witness in the cause, paying at the same time the amount proper for conduct money, and, if such opposite party does not attend on such notice or subpoena, judgment may be pronounced against him or the trial of the action may be postponed. R.R.O. 1970, Reg. 545, r. 274.

275.—(1) Upon proof to the satisfaction of the presiding judge of the service of a subpoena upon a witness who fails to attend or to remain in attendance in accordance with the requirements of the subpoena, and that the amount proper for conduct money has been duly paid or tendered to him, and that the presence of such witness is material to the ends of justice, the judge may by his warrant (Form 60) directed to any sheriff or other officer of the court, or to any constable, cause such witness to be apprehended anywhere within Ontario, and forthwith to be brought before the court and to be detained in custody as the presiding judge may order, until his presence as such witness is no longer required, or, in the discretion of the judge, to be released on a recognizance (with or without sureties) conditioned for appearance to give evidence. R.R.O. 1970, Reg. 545, r. 275 (1); O. Reg. 106/75, s. 24.

(2) The service of the subpoena and payment of conduct money may be proved by an affidavit. R.R.O. 1970, Reg. 545, r. 275 (2).

276.—(1) Where the testimony of a person or persons resident out of Ontario is required and for any reason an order under rule 270 is not sufficient, the court may order the issue of a commission to take such testimony (Order: Form 74; Commission: Form 61).

(2) Unless otherwise ordered or the parties otherwise agree, if the name of any person to be examined is not set out in the order, notice of such name shall be given by the party who intends to conduct such examination to the opposite party or to the agent named by him under subrule 279 (1) five days before the time fixed therefor. R.R.O. 1970, Reg. 545, r. 276.

277. If a party for whose examination an order has been made or a commission has issued refuses to attend before the examiner or commissioner, judgment may pass against him. R.R.O. 1970, Reg. 545, r. 277.

278. The notice of a motion for a commission to take evidence shall state the name and address of the commissioner proposed. R.R.O. 1970, Reg. 545, r. 278.

279.—(1) Unless otherwise directed, the examination shall be upon oral questions to be reduced into writing and returned with the commission; and notice of the execution of the commission shall be given to the opposite party, if, within the time prescribed by the order, he gives the name and the address of a person resident within two miles of the place where the commission is to be executed, on whom such notice may be served.

(2) If no agent is named or the name or address given proves to be illusory or fictitious, or if the party so notified fails to attend pursuant to the notice, the commission may be executed *ex parte*. R.R.O. 1970, Reg. 545, r. 279.

280. Where the examination is to take place upon written interrogatories, the interrogatories in chief shall be delivered to the opposite party eight days before the issue of the commission, and the cross-interrogatories shall be delivered to the opposite party within four days after the receipt of the interrogatories in chief, and in default of cross-interrogatories being so delivered, the commission may be executed without cross-interrogatories. R.R.O. 1970, Reg. 545, r. 280.

281. The witnesses shall be examined on oath, affirmation or otherwise in accordance with the law of the country in which the commission is executed. R.R.O. 1970, Reg. 545, r. 281.

282. Where a witness does not understand the English language, the commission shall be executed with the aid of an interpreter nominated by the commissioner and sworn to interpret truly the questions to be put to the witness and his answers thereto, and the examination shall be taken in English. R.R.O. 1970, Reg. 545, r. 282.

283. If a witness produces a book, document, letter, paper or writing and refuses for good cause, to be stated in his deposition, to part with the original, a copy or extract certified by the commissioner shall be annexed to the deposition of the witness. R.R.O. 1970, Reg. 545, r. 283.

284. The depositions may be taken in shorthand either by the commissioner or a shorthand writer duly sworn. R.R.O. 1970, Reg. 545, r. 284.

285.—(1) Unless the examination is taken in shorthand, the depositions shall be subscribed by the witness and by the commissioner.

(2) Where taken in shorthand, it is not necessary that the depositions be read over or signed by the person examined unless counsel attending on the commission so desires. R.R.O. 1970, Reg. 545, r. 285.

286. The commission, interrogatories, depositions and any documents or certified copies thereof or extracts therefrom, referred to therein, shall be sent to the proper officer, on or before the day

named in the order for the commission, enclosed in a cover under the seal of the commissioner; and the same or certified copies thereof may be given in evidence, saving all just exceptions, without any other proof of the absence from Ontario of the witness therein named than an affidavit of the solicitor or agent of the party as to his belief of such absence. R.R.O. 1970, Reg. 545, r. 286.

287. Where the opposite party desires to join in the commission and examine witnesses on his own behalf thereunder, each party shall in the first instance pay the costs of the commission consequent upon the examination of his witnesses. R.R.O. 1970, Reg. 545, r. 287.

288. A commission when returned shall at the request of either party be transmitted for use at the trial, and may be opened at the trial, or before trial at the instance of either party by the officer to whom it is returned on two clear days' notice to the other party. R.R.O. 1970, Reg. 545, r. 288.

289. Every order for a commission shall be read as if it contained the particulars mentioned in the next preceding ten rules, and shall not set forth the same, but may contain any variations therefrom and any other directions that the court sees fit to make. R.R.O. 1970, Reg. 545, r. 289.

290. An affidavit shall be drawn up in the first person, stating the name of the deponent in full, and his description and true place of abode, and shall be signed by him. R.R.O. 1970, Reg. 545, r. 290.

291. In an affidavit made by two or more deponents, the names of the persons making the affidavit shall be inserted in the jurat, unless the affidavit of all the deponents is taken at one time by the same officer, in which case it is sufficient to state that it was sworn by both (or all) of the "above-named" deponents. R.R.O. 1970, Reg. 545, r. 291.

292. Affidavits shall be confined to the statement of facts within the knowledge of the deponent, but, on interlocutory motions, statements as to his belief, with the grounds therefor, may be admitted. R.R.O. 1970, Reg. 545, r. 292.

293.—(1) In an action or proceeding to which a corporation is a party, any affidavit required by these rules to be made by a party may be made by any officer, servant or agent of the corporation having knowledge of the facts required to be deposed to, and he shall state therein that he has such knowledge.

(2) In any action or proceeding to which a partnership is a party, any affidavit required by these rules to be made by a party may be made by any member of the partnership.

(3) Where it appears necessary in the interest of justice, the court may order a further affidavit

to be made by any other member of the partnership. R.R.O. 1970, Reg. 545, r. 293.

294. An affidavit having in the jurat or body thereof any interlineation, alteration or erasure shall not be used without leave, unless the interlineation, alteration or erasure is authenticated by the initials of the officer taking the affidavit. R.R.O. 1970, Reg. 545, r. 294.

295. Where an affidavit is sworn by a person who appears to be illiterate, the officer shall certify in the jurat that the affidavit was read in his presence to the deponent, who seemed perfectly to understand it, and signed it in his presence; otherwise such affidavit shall not be used without leave. R.R.O. 1970, Reg. 545, r. 295.

296. REVOKED. O. Reg. 300/70, s. 1.

297. Unless otherwise ordered, affidavits upon which a notice of motion is founded shall be served with the notice of motion, and all affidavits shall be served and filed before they are used. R.R.O. 1970, Reg. 545, r. 297.

298. Where properly marked exhibits are referred to in an affidavit filed and are not annexed thereto, such exhibits need not be filed but shall be left for the use of the court and shall be handed out on the disposal of the motion, unless otherwise ordered. R.R.O. 1970, Reg. 545, r. 298.

PARTICULAR PROCEEDINGS IN ACTIONS

Transmission of Interest

299. If by reason of death, where the cause of action survives or continues, or by assignment or conveyance any estate, interest or title devolves or is transferred, the action may be continued by or against the person to or upon whom such estate or title has come or devolved. R.R.O. 1970, Reg. 545, r. 299.

300. Where a change or transmission of interest or liability has taken place or where by reason of any person interested coming into existence after the commencement of the action, it becomes necessary or desirable that a person not already a party should be made a party, or that a person already a party should be made a party in another capacity, an order that the proceedings be carried on between the continuing parties and the new party may be obtained on *praecipe* (Form 63). R.R.O. 1970, Reg. 545, r. 300.

301. Such order and a notice according to Form 64 shall be served upon the continuing parties or their solicitors, and upon the new party. R.R.O. 1970, Reg. 545, r. 301.

302. A person served with such an order may apply to the court to discharge or vary it at any time within ten days from its service. R.R.O. 1970, Reg. 545, r. 302.

303. Where death takes place after verdict or finding of the issues of fact but before the judgment, judgment may be entered notwithstanding the death, whether the cause of action would, apart from this rule, survive or not. R.R.O. 1970, Reg. 545, r. 303.

304. Where a plaintiff has died and proceedings may be continued, the defendant may apply to the court on notice to compel the person entitled to proceed with the action to proceed according to these rules within such time as the court orders, and that in default the action be dismissed for want of prosecution. R.R.O. 1970, Reg. 545, r. 304.

305. Where an action is so dismissed, an order for payment of costs may be made and enforced against the goods and lands that were of the deceased plaintiff. R.R.O. 1970, Reg. 545, r. 305.

Payment into Court, in Satisfaction

306. A defendant may, at any time pay into court a sum of money in satisfaction of the claim or cause of action, or of one or more of the claims or causes of action for which the plaintiff sues. R.R.O. 1970, Reg. 545, r. 306 (1); O. Reg. 307/72, s. 3, *part*; O. Reg. 628/76, s. 6.

306a.—(1) In actions against Her Majesty the Queen in right of Ontario, in lieu of making payment into court as provided by these rules, the Attorney General may deliver a confession of judgment for either the whole or part of any claim or cause of action for which the plaintiff sues.

(2) Except for rules 312 and 313, rules 306 to 318a apply with necessary modifications to confessions of judgment and for the purpose of such rules a confession of judgment shall be treated as a payment into court. R.R.O. 1970, Reg. 545, r. 306a.

307. Payment of money into court shall not, unless expressly so stated, be deemed an admission of the cause of action in respect of which it is paid. R.R.O. 1970, Reg. 545, r. 307.

308. Where tender before action is pleaded, the sum alleged to have been tendered shall be paid forthwith into court. R.R.O. 1970, Reg. 545, r. 308.

309.—(1) A defendant paying money into court shall forthwith serve upon the plaintiff notice of payment in and, unless otherwise ordered by the

court, shall specify in such notice the claim or cause or causes of action in respect of which payment is made, and the sum paid in respect of each claim or cause of action.

(2) The notice shall be in Form 27 or Form 27a as applicable. R.R.O. 1970, Reg. 545, r. 309.

310. A defendant paying money into court shall in his *praecepe* state the rule under which he is paying it in. R.R.O. 1970, Reg. 545, r. 310.

311.—(1) Where money is paid into court under rule 306, the plaintiff, if *sui juris* and personally entitled to the money paid in, may accept the whole sum or any one or more of the specified sums in satisfaction of the claim or claims or of the cause or causes of action to which the specific sum or sums relate, by giving notice to each defendant as in Form 28 and filing same. O. Reg. 285/71, s. 6.

(2) Acceptance of a confession of judgment which has been delivered under subrule 306a (1) shall be effected by giving notice to each defendant and to the Attorney General as in Form 28a and by filing same. R.R.O. 1970, Reg. 545, r. 311 (2).

312. Where the defendant does not allege tender before action and the plaintiff takes the money in satisfaction of all the causes of action, he may tax his costs of the action on the scale of fees for the court appropriate to the amount taken, and issue execution therefor, unless the defendant pays them within forty-eight hours after taxation. R.R.O. 1970, Reg. 545, r. 312; O. Reg. 285/71, s. 7.

313. Where the defendant alleges tender before action and the plaintiff elects to take the money in satisfaction unless otherwise ordered the defendant may tax his costs, and the amount allowed him shall be paid to him out of the money in court and the balance shall be paid to the plaintiff. R.R.O. 1970, Reg. 545, r. 313.

314. Money may be paid into court under rule 306 by one or more of several defendants sued jointly or in the alternative upon notice to the other defendant or defendants. R.R.O. 1970, Reg. 545, r. 314.

315. Where moneys have been accepted pursuant to rule 311, all further proceedings in the action or in respect of the specified claim, cause or causes of action, as the case may be, shall be stayed and the money shall not be paid out except in pursuance of an order of a judge, or upon the consent of all parties verified by an affidavit of the plaintiff or his solicitor showing that the plaintiff is *sui juris* and personally entitled to the money. R.R.O. 1970, Reg. 545, r. 315.

316.—(1) Where money is paid into court and the plaintiff does not accept, in satisfaction of the claim or cause of action in respect of which the

payment into court has been made, the sum so paid in, but proceeds with the action in respect of such claim or cause of action, the money shall remain in court and shall not be paid out except in pursuance of an order of a judge or upon the consent of all parties verified as provided in rule 315.

(2) If the plaintiff proceeds with the action in respect of such claim or cause of action, or any part thereof, and recovers less than the amount paid into court, the amount paid in shall be applied, so far as is necessary, in satisfaction of the plaintiff's claim, and the balance, if any, shall be repaid to the defendant, but, if the defendant succeeds in respect of such claim or cause of action, the whole amount shall be repaid to him. R.R.O. 1970, Reg. 545, r. 316.

317. Except in an action to which a defence of tender before action is pleaded or in which a payment is made under the *Libel and Slander Act*, no statement of the fact that money has been paid into court under the preceding rules shall be inserted in the pleadings, and no communication of that fact shall at the trial of any action be made to the judge or jury until all questions of liability and amount of debt or damages have been decided, but the judge shall, in exercising his discretion as to costs, take into account the fact that the money has been paid into court, the amount of such payment, the date and time of delivery of notice of payment in and whether liability has been admitted or denied. R.R.O. 1970, Reg. 545, r. 317; O. Reg. 285/71, s. 8.

318. Any defendant to a counter-claim may pay money into court in respect thereof and the foregoing rules apply with necessary modifications to the money so paid in. R.R.O. 1970, Reg. 545, r. 318.

318a.—(1) Where a counter-claim is asserted a defendant may offer to surrender his counter-claim, or offer to surrender his counter-claim and pay into court a sum of money in satisfaction of the claims or causes of action or one or more of the claims or causes of action for which the plaintiff sues, in settlement of the action and counter-claim.

(2) Where a counter-claim is accepted in satisfaction or part satisfaction all proceedings thereunder shall be stayed.

(3) Rules 306 to 317 apply with necessary modifications to the offer to surrender a counter-claim as though it were payment of money into court. R.R.O. 1970, Reg. 545, r. 318a.

319. Actions may be consolidated by order of the court. R.R.O. 1970, Reg. 545, r. 319.

Discontinuance

320.—(1) The plaintiff may, at any time before receipt of the statement of defence of any defendant, or after the receipt thereof before taking any other

proceeding in the action (save an interlocutory application), by notice in writing, filed and served, wholly discontinue his action against such defendant or withdraw any part thereof, and the defendant is entitled to the costs of the action, if wholly discontinued against him, or, if not wholly discontinued, to the costs occasioned by the part withdrawn (Form 31).

(2) A plaintiff may discontinue as to one or more of several defendants.

(3) Such costs may be taxed upon production of the notice served, and, if not paid within four days from taxation, the defendant may issue execution therefor.

(4) Such discontinuance or withdrawal is not a defence to any subsequent action.

(5) Except as provided by the preceding subrules, a plaintiff shall not discontinue without leave of the court, which may be granted upon such terms as to costs and as to any other action against all or any of the defendants and otherwise as are proper. R.R.O. 1970, Reg. 545, r. 320.

321. A defendant may withdraw his defence, or any part thereof, by written notice filed and served. R.R.O. 1970, Reg. 545, r. 321.

Dismissal of Actions for Want of Prosecution

322. An action may be dismissed for want of prosecution where the plaintiff has failed,

- (a) to deliver his statement of claim within the time prescribed for so doing; or
- (b) to require that pleadings be noted closed against any defendant who is in default in delivering his statement of defence within ten days after such default. O. Reg. 36/73, s. 28.

323.—(1) An action in the Supreme Court to be tried at Toronto may be dismissed for want of prosecution unless the plaintiff has set the action down for trial within six months after the pleadings are closed and, where required by the rules, has served and filed notice of trial within the times prescribed by rule 249. R.R.O. 1970, Reg. 545, r. 323 (1); O. Reg. 307/72, s. 4, *part*; O. Reg. 107/74, s. 4; O. Reg. 628/76, s. 7.

(2) Any other action may be dismissed for want of prosecution unless the plaintiff has set the action down for trial at the first sittings for which the action could be set down commencing more than six months after the close of pleadings and, where required by the rules, has served and filed notice of trial within the time prescribed by rule 249, provided, however, that, where there are separate sittings for the trial of actions with or without a jury, the plaintiff shall not be obliged to set an action down at the jury sittings for trial without a jury.

R.R.O. 1970, Reg. 545, r. 323 (2); O. Reg. 307/72, s. 4, *part*; O. Reg. 107/74, s. 4.

324.—(1) Where a judge makes an order under rule 251 the action may be dismissed for want of prosecution unless the action is set down pursuant to any directions in the order or, failing such directions, unless the plaintiff has set the action down for trial at the next sittings for which the action can be set down and, unless otherwise ordered, has served and filed notice of trial within the time prescribed by rule 249. R.R.O. 1970, Reg. 545, r. 324 (1); O. Reg. 107/74, s. 5.

(2) An action struck off the list may be dismissed for want of prosecution unless, within six weeks after the action was struck off the list, the action has been restored to a list pursuant to the order of a judge. R.R.O. 1970, Reg. 545, r. 324 (2).

325.—(1) Where an action has been discontinued or dismissed for want of prosecution, a defendant who has counter-claimed may, if he so elects, proceed with the trial of his counter-claim, and, if he elects to proceed, he shall give notice of his election within ten days after the discontinuance or dismissal of the action, and the counter-claim is then liable to dismissal for want of prosecution for failure to proceed to trial, or the defendant may, if he so elects, discontinue his counter-claim in whole or in part, and the defendant by counter-claim is then entitled to the costs of the counter-claim, if wholly discontinued, or, if not wholly discontinued, to the costs occasioned by the part withdrawn, and subrules 320 (2), (3) and (4) apply with necessary modifications.

(2) In default of such election, the counter-claim shall on the discontinuance of the action be deemed to be discontinued without costs or on the dismissal of the action be deemed to be dismissed without costs. R.R.O. 1970, Reg. 545, r. 325.

Examination for Discovery

326.—(1) A party to an action, whether plaintiff or defendant, may, without order, be orally examined before the trial touching the matters in question by any party adverse in interest, and may be compelled to attend and testify in the same manner, upon the same terms, and subject to the same rules of examination as a witness except as hereinafter provided.

(2) In the case of a corporation, any officer or servant of such corporation may, without order, be orally examined before the trial touching the matters in question by any party adverse in interest to the corporation, and may be compelled to attend and testify in the same manner and upon the same terms and subject to the same rules of examination as a witness except as hereinafter provided.

(3) A corporation may apply to the court to have examined an officer or servant in lieu of the officer or servant selected to be examined.

(4) After the examination of an officer or servant of a corporation, a party is not at liberty to examine any other officer or servant without an order. R.R.O. 1970, Reg. 545, r. 326.

327. Where a party to be examined is out of Ontario, the court may order the examination to be taken at such place and in such manner as seems just and convenient, and service of the order and of all papers necessary to obtain the examination may be made on the solicitor of the party. R.R.O. 1970, Reg. 545, r. 327; O. Reg. 628/76, s. 8.

328. The court may order an examination for discovery at such place and in such manner as are deemed just and convenient of an officer or servant residing out of Ontario of any corporation party to an action, and service of the order and of all papers necessary to obtain such examination may be made upon the solicitor for such party. R.R.O. 1970, Reg. 545, r. 328; O. Reg. 628/76, s. 9.

329. At the trial of an action or issue, any party may use in evidence, if otherwise admissible, any part of the examination of an opposite party and of an officer or servant of a corporation that is an opposite party, but the judge may look at the whole of the examination, and, if he is of opinion that any other part is so connected with the part to be so used that the last-mentioned part ought not to be used without such other part, he may direct such other part to be put in evidence. R.R.O. 1970, Reg. 545, r. 329.

330. Where any person refuses or neglects to attend at the time and place appointed for his examination, or refuses to be sworn or to answer any proper question put to him, proceedings may forthwith be had for attachment, and the court may also or in lieu thereof, dismiss the action where any such person is a plaintiff or an officer or servant of a corporation plaintiff or strike out the defence, if any, where any such person is a defendant or an officer or servant of a corporation defendant. O. Reg. 285/71, s. 9.

331.—(1) Where a minor is a party, any party adverse in interest may examine the next friend or guardian of the minor or, at his option, the minor, if he is competent to give evidence.

(2) Where a child of tender years does not understand the nature of an oath, he may nevertheless be examined for discovery if possessed of sufficient intelligence to be examined and if he understands the duty of speaking the truth, but his examination shall not be used as evidence at the trial pursuant to rule 329 unless otherwise ordered by the trial judge.

(3) Where a mentally incompetent person not so found by inquisition or judicial declaration is a party, any party adverse in interest may examine the next friend or guardian of the mentally incompetent person or, at his option and unless otherwise

ordered, the mentally incompetent person if he is competent to give evidence.

(4) Where a mentally incompetent person not so found by inquisition or judicial declaration does not understand the nature of an oath, he may nevertheless be examined for discovery if possessed of sufficient intelligence to be examined and if he understands the duty of speaking the truth, but his examination shall not be used as evidence at the trial pursuant to rule 329 unless otherwise ordered by the trial judge.

(5) Where a mentally incompetent person who has been so found is a party, any party adverse in interest may examine his committee. O. Reg. 36/73, s. 29, *part*.

332. Any person examined for discovery may be further examined on his own behalf, or on behalf of the corporation whose officer or servant he is, in relation to any matter respecting which he has been so examined, and such explanatory examination shall be proceeded with immediately after the examination in chief. R.R.O. 1970, Reg. 545, r. 332.

333.—(1) Where an action is prosecuted or defended for the immediate benefit of a person or a corporation, such person or any officer or servant of such corporation may without order be examined for discovery.

(2) For the purpose of this rule, a bankrupt, an officer or servant of a bankrupt corporation or a trustee under the *Bankruptcy Act* (Canada) shall be deemed to be a person or corporation for whose immediate benefit the action is prosecuted or defended. R.R.O. 1970, Reg. 545, r. 333.

334. Where an action is brought by an assignee, the assignor or any officer or servant of the corporation, where the corporation is the assignor, may without order be examined for discovery. R.R.O. 1970, Reg. 545, r. 334.

335. Examination for discovery may take place at any time after the statement of defence of the party examining or to be examined has been delivered or after the party to be examined has made default in appearance or after the pleadings have been noted closed as against him, and the examination of a party to an issue may take place at any time after the issue has been filed. R.R.O. 1970, Reg. 545, r. 335.

336.—(1) A person within Ontario liable to be examined for discovery shall attend for examination for discovery before the proper officer in the county in which he resides upon service of an appointment upon his solicitor, or where any such person is an officer or servant of a corporation party to an action upon the solicitor of the corporation, seven days before the day appointed for the examination. R.R.O. 1970, Reg. 545, r. 336 (1); O. Reg. 628/76, s. 10.

(2) The solicitor shall forthwith communicate the appointment to the person required to attend. R.R.O. 1970, Reg. 545, r. 336 (2); O. Reg. 628/76, s. 11.

(3) The attendance of a person may also be required under rules 344 and 345. R.R.O. 1970, Reg. 545, r. 336 (3).

General Rules as to Examinations

337. Rules 338 to 346 apply to the examination of a witness upon a motion or under an order and to cross-examination upon affidavits and to all examinations for discovery. R.R.O. 1970, Reg. 545, r. 337.

338. Any witness examined is subject to cross-examination and re-examination, and the examination, cross-examination and re-examination shall be conducted as nearly as may be as at a trial. R.R.O. 1970, Reg. 545, r. 338.

339.—(1) The examination, unless otherwise ordered or agreed upon, shall, if the examiner is a shorthand writer or a shorthand writer is available, be taken in shorthand by the examiner or by a shorthand writer approved and duly sworn by him and shall be taken down by question and answer, and it is not necessary for the depositions to be read over to, or signed by, the person examined.

(2) A copy of the depositions so taken, certified by the person taking them as correct, and, if such person be not the examiner, also signed by the examiner, shall be received in evidence saving all just exceptions.

(3) The depositions taken by the examiner shall, upon payment of his fees, be returned to and filed in the office in which the proceedings are carried on. R.R.O. 1970, Reg. 545, r. 339.

340. The person to be examined or any party to the action shall, if so required by the subpoena or notice, produce on the examination all books, papers and documents relating to the matters in issue that he could be required to produce at a trial. R.R.O. 1970, Reg. 545, r. 340.

341. Where a person admits, upon his examination, that he has in his custody or power any such document, the examiner may direct him to produce it for the inspection of the party examining, and for that purpose allow a reasonable time. R.R.O. 1970, Reg. 545, r. 341.

342. If a person under examination objects to a question put to him, the question and the objection shall be noted, and the validity of such objection shall be decided by the examiner, whose decision shall also be noted. R.R.O. 1970, Reg. 545, r. 342.

343. Any direction or ruling of the examiner is subject to review upon any motion with respect to such examination without an appeal. R.R.O. 1970, Reg. 545, r. 343.

344.—(1) Any party who is liable to be examined may be required to attend before the proper officer in the county in which he resides, for examination, upon being served with an appointment. R.R.O. 1970, Reg. 545, r. 344 (1); O. Reg. 628/76, s. 12.

(2) Any person not a party but liable to be examined shall be served with a subpoena and paid the proper conduct money.

(3) The party examining shall, also, serve a copy of the appointment or of the subpoena, as the case may be, for such an examination upon the solicitor of the opposite party at least forty-eight hours before the examination. R.R.O. 1970, Reg. 545, r. 344 (2, 3).

345. An order may be made for the examination of any person liable to be examined as aforesaid before any other person or in any other county. R.R.O. 1970, Reg. 545, r. 345.

346. Renumbered as rule 345. O. Reg. 249/68, s. 12.

Production of Documents

347. Each party, after the defence is delivered or an issue has been filed, may by notice require the other within ten days to make discovery on oath of the documents that are or have been in his possession, custody or power relating to any matters in question in the action, and to produce and deposit them with the proper officer for the usual purposes and a copy of such affidavit shall be served forthwith after filing. R.R.O. 1970, Reg. 545, r. 347; O. Reg. 569/75, s. 4.

348. The court may at any time order production and inspection of documents generally or of any particular document in the possession of any party, and, if privilege is claimed for any document, may inspect the document to determine the validity of such claim. R.R.O. 1970, Reg. 545, r. 348.

349. Where a document is in the possession of a person not a party to the action and the production of such document at a trial might be compelled, the court may at the instance of any party, on notice to such person and to the opposite party, direct the production and inspection thereof, and may give directions respecting the preparation of a certified copy that may be used for all purposes in lieu of the original. R.R.O. 1970, Reg. 545, r. 349.

350.—(1) A party is entitled to obtain the production for inspection of any document referred to in a special endorsement on a writ of summons

in the pleadings or affidavits of the opposite party by giving notice to his solicitor, and is entitled to take copies of such documents when so produced for inspection (Form 32).

(2) The party to whom such notice is given shall forthwith deliver to the party giving it a notice stating a time within two days from the delivery thereof at which the document may be inspected at the office of his solicitor, and shall at the time named produce the document for inspection (Form 33).

(3) Inspection may also be ordered at such place as the court directs. R.R.O. 1970, Reg. 545, r. 350.

351. If the party from whom discovery of any kind or inspection is sought objects to the same, or any part thereof, the court, if satisfied that the right to the discovery or inspection sought depends on the determination of any issue or question in dispute in the action, or that for any other reason it is desirable that any issue or question in dispute should be determined before deciding upon the right to the discovery or inspection, may order that such issue or question be determined first, and reserve the question as to the discovery or inspection. R.R.O. 1970, Reg. 545, r. 351.

352.—(1) If a party fails to comply with any notice or order for production or inspection of documents, he is liable to attachment and is also liable, if a plaintiff, to have his action dismissed, and, if a defendant, to have his defence, if any, struck out.

(2) Service of the notice of motion upon the solicitor of the party is, unless the court otherwise direct, sufficient. R.R.O. 1970, Reg. 545, r. 352.

353 to 358: REVOKED, O. Reg. 36/73, s. 30.

Replevin

359. An order of replevin may be obtained,

- (a) on motion therefor, on showing the facts of the wrongful taking or detention complained of, the value and description of the property, and that the person claiming the property is the owner thereof or is lawfully entitled to the possession thereof;
- (b) on *praecipe*, if the person claiming the property, his servant or agent, makes an affidavit stating,
 - (i) that the person claiming the property is the owner or lawfully entitled to the possession thereof,
 - (ii) the value thereof,

- (iii) that the property was wrongfully taken out of the possession of the claimant, or fraudulently got out of his possession, within two months next before the making of the affidavit,

- (iv) that the deponent is advised and believes that the claimant is entitled to the order, and

- (v) that there is good reason to apprehend that, unless the order is issued without waiting for a motion, the delay would materially prejudice the just rights of the claimant with respect to the property;

- (c) on *praecipe*, if the property was distrained for rent or damage feasant and the person claiming the property, his servant or agent, makes an affidavit stating,

- (i) that the person claiming the property is the owner or is lawfully entitled to the possession thereof (describing the property),

- (ii) the value thereof, and

- (iii) that the property was taken under colour of a distress for rent or damage feasant,

and in such case the order shall state that the defendant has taken and unjustly detains the property under colour of a distress for rent or damage feasant, as the case may be (Form 86). R.R.O. 1970, Reg. 545, r. 359.

360. The motion shall be on notice to the defendant, unless the special circumstances of the case in the opinion of the court justify the making of an *ex parte* order, and the court, instead of granting or refusing the order, may direct the sheriff to take a bond in less or more than treble the value of the property, or may direct him, in addition to taking a bond pursuant to rule 362, to take and detain the property until the further order of the court, instead of at once replevying the property to the plaintiff, or may order that the plaintiff, instead of giving a bond, be at liberty to pay into court to the credit of the action, subject to further order, such sum as is proper to stand as security to the defendant in the same manner and to the same extent as any bond that the plaintiff would otherwise be required to give to the sheriff. R.R.O. 1970, Reg. 545, r. 360.

361. The defendant may apply to the court to discharge, vary or modify the order, or to stay proceedings thereunder, or for any other relief with respect to the return, safety or sale of the property or any part thereof or otherwise. R.R.O. 1970, Reg. 545, r. 361.

362.—(1) Before the sheriff acts on the order, he shall take a bond (Form 139) from the plaintiff with two sufficient sureties in such sum as is prescribed by the order, or, if no special provision has been made, then in treble the value of the property as stated in the order of replevin.

(2) The plaintiff may, instead of giving a bond, pay into court twice the value of the goods as stated in the order, and the sheriff may act upon a certificate of the Accountant that the money has been paid. R.R.O. 1970, Reg. 545, r. 362.

363. Where an order of replevin is issued for any property that had not been previously taken out of the plaintiff's possession and for which the plaintiff might bring an action for conversion, the defendant is entitled, if the plaintiff fails in the action, to be fully indemnified against all damages sustained by the defendant, including any extra costs that he may incur in defending the action, and the bond shall be conditioned so as to require the plaintiff and the sureties to indemnify and save harmless the defendant from all loss and damage that he may sustain by reason of the seizure and of any deterioration of the property in the meantime, in the event of its being returned, and all costs, charges and expenses that the defendant may incur, including reasonable costs not taxable between party and party, but this provision shall not be required in cases of distress for rent or damage feasant. R.R.O. 1970, Reg. 545, r. 363.

364. The sheriff shall not serve a copy of the writ of summons or order until he has replevied the property, or some part thereof if he cannot replevy the whole. R.R.O. 1970, Reg. 545, r. 364.

365. Where the order is issued on *praecipe* under clause 359 (b), the sheriff shall take and detain the property, and shall not replevy it to the plaintiff without the order of the court, but may, after seven days from the time of taking it, redeliver it to the defendant, unless in the meantime the plaintiff obtains and serves on the sheriff an order directing a different disposition of the property. R.R.O. 1970, Reg. 545, r. 365.

366. The sheriff shall return the order on or before the tenth day after the service thereof, and shall transmit annexed thereto,

- (a) the names of the sureties in, and the date of the bond taken from the plaintiff, and the name or names of the witnesses thereto;
- (b) the place of residence and addition of the sureties;
- (c) the number, quantity and quality of the articles of property replevied, and, in case he has replevied only a portion of the property and cannot replevy the residence by reason of its having been eloiigned out of his county, or not being in the

possession of the defendant or of any other person for him, he shall state in his return the articles that he cannot replevy and the reason therefor. R.R.O. 1970, Reg. 545, r. 366.

367.—(1) Where the sheriff makes a return of the property distrained, taken or detained having been eloiigned, the court may make an order (Form 87) directing the sheriff to take in *withernam* goods and chattels of the defendant.

(2) Where a sheriff makes a return that the whole or a part of the property has been eloiigned, or that for any reason it cannot be replevied, the plaintiff may, if he so elects, serve the writ of summons, and, in his statement of claim, claim either the return of the goods and damages for their detention, or damages for their conversion. R.R.O. 1970, Reg. 545, r. 367.

368. Where the plaintiff is entitled to sign judgment by default, he may sign final judgment for \$5 and costs, but he is not entitled to recover a larger sum except upon an assessment or upon filing the consent of the defendant or his solicitor, and an affidavit verifying the signature to such consent. R.R.O. 1970, Reg. 545, r. 368.

Interim Preservation of Property, Inspection, etc.

369. Where there is a dispute arising upon a contract or an alleged contract affecting the title to any property, the court may make an order for the preservation or interim custody of the property, or may order that the amount in dispute be brought into court or otherwise secured, or may order the sale of the property and the payment of the proceeds into court. R.R.O. 1970, Reg. 545, r. 369.

370. The court may, at any time, order the sale, in such manner and on such terms as seem just, of any goods, wares or merchandise that may be of a perishable nature or likely to be injured from keeping, or which for any other reason it may be desirable to have sold at once. R.R.O. 1970, Reg. 545, r. 370.

371. Where a plaintiff seeks to recover specific property other than land, and the defendant does not dispute the title of the plaintiff, but claims to retain the property by virtue of a lien or otherwise as security for money, the court may order that the plaintiff pay into court, to abide the event of the action, the amount of money in respect of which the lien or security is claimed, and such further sum, if any, for interest and costs as the court directs, and that, upon such payment into court being made, the property claimed be given up to him. R.R.O. 1970, Reg. 545, r. 371.

372.—(1) The court may, upon the application of any party and upon such terms as seem just, make any order for the detention or preservation

of property, being the subject of the action, or for the inspection of any property, the inspection of which is necessary for the proper determination of the question in dispute, and for all or any of the purposes aforesaid may authorize any person or persons to enter upon or into any land or building in the possession of a party and may authorize any samples to be taken, or any observation to be made or experiment to be tried, that may seem necessary or expedient for the purpose of obtaining full information or evidence.

(2) The court may also on notice to any person not a party to the action make an order authorizing entry upon or into any lands or building in the possession of such person for the purposes of such inspection. R.R.O. 1970, Reg. 545, r. 372.

Security for Costs

373.—(1) Security for costs may be ordered,

- (a) where the plaintiff resides out of Ontario;
- (b) where the plaintiff is ordinarily resident out of Ontario, though he may be temporarily resident within Ontario;
- (c) where the plaintiff has brought another action or proceeding for the same cause which is pending in Ontario or in any other country;
- (d) where the plaintiff, or any person through or under whom he claims, has had judgment or order passed against him in another action or proceeding for the same cause in Ontario or in any other country, with costs, and such costs have not been paid;
- (e) where the plaintiff sues as an informer, or seeks to recover a penalty given to an informer or person who sues for it under a statute or law by which a penalty is given to any person who sues for it, either for his sole benefit, for the benefit of the Crown, or partly for his benefit and partly for the benefit of the Crown, and the defendant swears that in his belief the plaintiff or informer is not possessed of property sufficient to answer the costs of the action in case a judgment is rendered in favour of the defendant, and that he (the applicant) has a good defence to the action upon the merits, as he is advised and believes;
- (f) where the action is brought by a nominal plaintiff;
- (g) where upon the examination of the plaintiff it appears that there is good reason to believe that the action is frivolous and vexatious, and that the plaintiff is not possessed of sufficient property in Ontario to answer the costs of the action;
- (h) where an action is brought on behalf of a class and the plaintiff is not possessed of sufficient property to answer the costs of the action, and it appears that the plaintiff is put forward or instigated to sue by others;
- (i) where under a statute the defendant is entitled to security for costs; or
- (j) where either party to a garnishment, interpleader or other issue is an active claimant, and would, if a plaintiff, be liable to give security for costs.

(2) A defendant must appear before obtaining an order for security for costs. R.R.O. 1970, Reg. 545, r. 373.

374.—(1) Where it appears by the writ of summons, or by an endorsement thereon, or by statement of claim or by a reply to a demand made pursuant to Rule 13 that the plaintiff resides out of Ontario, the order may be obtained on *praecipe* (Form 62). O. Reg. 1030/80, s. 2.

(2) The amount of the security required by a *praecipe* order shall be \$500 in an action in the Supreme Court or \$200 in an action in a county court.

(3) The amount of the security shall be paid into court within four weeks from the date of service of the *praecipe* order upon the plaintiff. R.R.O. 1970, Reg. 545, r. 374 (2, 3).

375. In all cases in which an order for security for costs is obtained on application to the court, the amount of the security required to be given and the time within which the security is to be given shall be fixed by the court. R.R.O. 1970, Reg. 545, r. 375.

376. Where security for costs is ordered, proceedings in the action shall be stayed from the service of the order until the security is given. R.R.O. 1970, Reg. 545, r. 376.

377. The day on which an order for security for costs is served, and the time until and including the day on which the security is given shall not be reckoned in the computation of time allowed for taking any proceeding in the action. R.R.O. 1970, Reg. 545, r. 377.

378. The amount of security required by any order for security for costs may be increased or decreased by the court at any time and from time to time. R.R.O. 1970, Reg. 545, r. 378.

379. Upon payment into court of the amount of security required, the plaintiff shall forthwith serve a notice upon the defendant obtaining the order, specifying the fact and purpose of such payment. R.R.O. 1970, Reg. 545, r. 379.

380. Upon default in giving security, the action may, upon an *ex parte* application, be dismissed with costs. R.R.O. 1970, Reg. 545, r. 380.

381.—(1) Where an order for security for costs has been obtained in an action commenced by a writ of summons which is specially endorsed, a plaintiff may pay into court the sum of \$100 in an action in the Supreme Court and \$50 in an action in a county court as a partial compliance with such order, and thereupon he is at liberty to cross-examine upon the affidavit of merits of the defendant obtaining the order and move for judgment, but the order for security for costs shall remain in force in all other respects.

(2) Such payment into court does not prejudice any motion that may be made to set aside the order for security for costs.

(3) Where upon motion under rule 57, the plaintiff is awarded judgment for a portion only of his claim, he may issue the judgment and execution thereunder, but so long as the order for security stands he shall not take any other proceedings with respect to the residue of his claim until the order has been fully complied with. R.R.O. 1970, Reg. 545, r. 381.

382. Where money has been paid into court as security for costs, it may be paid out on the consent of the solicitors in the cause or matter without order and may be paid to the solicitors upon production of the consent of the client verified by affidavit. R.R.O. 1970, Reg. 545, r. 382.

383. REVOKED. O. Reg. 189/69, s. 6.

384. REVOKED. O. Reg. 189/69, s. 6.

385. REVOKED. O. Reg. 189/69, s. 6.

386. REVOKED. O. Reg. 216/78, s. 12.

387. REVOKED. O. Reg. 216/78, s. 13.

388. REVOKED. O. Reg. 216/78, s. 14.

389. REVOKED. O. Reg. 216/78, s. 15.

Change of Solicitor

390. A party suing or defending by a solicitor may change his solicitor by filing and serving a notice to that effect. R.R.O. 1970, Reg. 545, r. 390.

391. A party suing or defending in person and desiring to be represented by a solicitor may file and serve a notice to that effect. R.R.O. 1970, Reg. 545, r. 391.

392. A party represented by a solicitor and desiring to sue or defend in person may file and serve a notice to that effect. R.R.O. 1970, Reg. 545, r. 392.

393.—(1) Where a solicitor who has acted for a party in a cause or matter has died or cannot be found, or has been struck off the roll of solicitors, or has been suspended from practice, and the party has not given notice of change of solicitor or notice of intention to act in person in accordance with the preceding rules, any other party to the cause or matter may, on notice to be served on the first-named party personally or by prepaid post letter addressed to his last known place of address, unless the court otherwise directs, apply to the court for an order declaring that the solicitor has ceased to be the solicitor acting for the first-named party in the cause or matter and the court may make an order accordingly.

(2) Where the order is made, the party applying for the order shall serve on every other party to the cause or matter (not being a party in default as to entry of appearance) a copy of the order and also leave at the office in which the cause or matter was commenced a copy of the order together with an affidavit showing that the order has been duly served as aforesaid and thereafter, unless and until the first-named party either appoints another solicitor or else gives such an address for service as is required of a party acting in person and complies with the preceding rules relating to the notice of appointment of a solicitor or notice of intention to act in person, any document in respect of which personal service is not requisite may be served on the party so in default by mailing it to the party at his address given in the writ or appearance, as the case may be, by registered letter.

(3) Any order made under this rule does not affect the rights of the solicitor and the party for whom he acted as between themselves. R.R.O. 1970, Reg. 545, r. 393.

394.—(1) Where a solicitor who has acted for a party in a cause or matter has ceased to act and the party has not given notice of change of solicitor in accordance with the preceding rules, the solicitor may on notice to be served on the party personally or by prepaid ordinary mail addressed to his last known place of address, unless the court otherwise directs, apply to the court for an order to the effect that the solicitor has ceased to be the solicitor acting for the party in the cause or matter, and the court may make an order accordingly, provided that, unless and until the solicitor has,

- (a) served a copy of the order upon the party for whom he has ceased to act personally or otherwise as the court may direct; and
- (b) served a copy of the order on every other party to the cause or matter (not being a party in default as to entry of appearance); and
- (c) filed in the office in which the cause or matter was commenced a copy of the order

together with an affidavit showing that the order has been duly served as aforesaid,

he shall, subject to rules 390, 391 and 392, be considered the solicitor of the party to the final determination of the cause or matter whether in the High Court or the Court of Appeal. R.R.O. 1970, Reg. 545, r. 394 (1); O. Reg. 307/72, s. 5, *part*.

(2) From and after the time when the order has been filed as required by clause (1) (c), any document in respect of which personal service is not requisite may be served on the party to whom the order relates by mailing it to the party at his last known address, by prepaid ordinary mail, unless and until that party shall either appoint another solicitor or give an address for service as is required of a party acting in person, and shall also comply with rules 390, 391 and 392 relating to notice of appointment of a solicitor or notice of intention to act in person. O. Reg. 307/72, s. 5, *part*.

(3) Any order made under this rule does not affect the rights of the solicitor and the party as between themselves. R.R.O. 1970, Reg. 545, r. 394 (3).

Compounding Penal Actions

395. Leave to compound a penal action may be given, but, in cases where part of the penalty goes to the Crown, notice shall first be given to the Attorney General for Canada or the Attorney General for Ontario, as the case may be. R.R.O. 1970, Reg. 545, r. 395.

396. The order for compounding shall not be made unless the defendant undertakes to pay the sum for which the court has given him leave to compound such action. R.R.O. 1970, Reg. 545, r. 396.

397. Where leave is given to compound, the proportion of the Crown shall, unless otherwise ordered, be paid into court for the use of Her Majesty. R.R.O. 1970, Reg. 545, r. 397.

Transmission of Papers

398. Every local officer upon *praecipe* shall transmit to the Registrar's Office, Toronto, all papers, documents and exhibits required for use in Toronto in any proceeding and, where the same exceeds five pounds in weight, upon payment of the necessary postage or express charge on the excess over five pounds for transmission and return. R.R.O. 1970, Reg. 545, r. 398.

399. Where papers, documents and exhibits in the custody of an officer of the court in any proceeding are required by or for use before any other officer, the officer having custody of the same shall transmit them upon the production of a request signed by the officer requiring them and where the same exceeds five pounds in weight,

upon payment of the necessary postage or express charge on the excess postage or express charge on the excess over five pounds for transmission and return. R.R.O. 1970, Reg. 545, r. 399.

Striking Out Jury Notices

400.—(1) When an application is made to a judge for an order striking out a jury notice and it appears to him that the action is one that ought to be tried without a jury, he shall direct that the issues shall be tried and the damages assessed without a jury, and, in case the action has been entered for trial, shall direct the action to be transferred to the non-jury list. R.R.O. 1970, Reg. 545, r. 400 (1); O. Reg. 520/78, s. 16.

(2) The refusal of such an order by the judge does not interfere with the right of the judge presiding at the trial to try the action without a jury. R.R.O. 1970, Reg. 545, r. 400 (2); O. Reg. 520/78, s. 17.

(3) The judge presiding at a jury sittings in Toronto may in his discretion strike out the jury notice and transfer the action for trial to a non-jury sittings, and this power may be exercised notwithstanding that the case is not on the peremptory list for trial before the said judge. R.R.O. 1970, Reg. 545, r. 400 (3).

Procedure when Judgment Delayed

401. When a judge who has reserved judgment in any cause, action, issue, motion or matter,

- (a) dies without giving judgment; or
- (b) having resigned his office or having been appointed to any other court does not give judgment within the time allowed by statute; or
- (c) has not given judgment within six months from the time of reserving it,

the Chief Justice of the High Court may order that the cause, action, issue, motion or matter be restored to the proper list for trial or hearing, and, in case the original trial or hearing was upon evidence given *viva voce*, may direct that the retrial or re-hearing shall be upon a transcript of the reporter's notes of such evidence, or upon such transcript and additional evidence given *viva voce* or by affidavit, or upon such transcript and evidence given *viva voce* and evidence given by affidavit, or upon new evidence, or otherwise as in his opinion the circumstances of the particular case may require, and may dispose of the costs of the original trial or hearing and of the costs of procuring and furnishing any copies of the transcript of the reporter's notes, or may refer the question as to such costs or any of them to the judge presiding at the re-trial or re-hearing, but no

directions for a re-trial or re-hearing which include a direction for the use of the transcript of the reporter's notes shall be deemed to limit or restrict the power of the judge presiding at such re-trial or re-hearing in his discretion to permit the recalling of any witness called at the original trial or hearing, or to receive other or additional evidence. O. Reg. 520/71, s. 6.

REFERENCES

Referees

402.—(1) In the event of the referee declining to act, a judge may appoint a new referee.

(2) Where a master or referee has ceased to hold office or become incapacitated prior to settling his report, an application may be made to the Chief Justice of the High Court for directions, whereupon rule 401 applies with necessary modifications.

(3) Where a master or referee has ceased to hold office or become incapacitated after settling but prior to signing his report, any officer having jurisdiction to make such a report may sign the report.

(4) In the absence, or with the consent, of a master or referee who has entered upon the hearing of a reference, any interlocutory application in the reference may be made to any other master or referee and that other master or referee may deal with the application and make any order thereon which could have been made by the first-mentioned master or referee. R.R.O. 1970, Reg. 545, r. 402.

403. The practice and procedure on a reference to a referee shall be the same, as nearly as may be, as the practice and procedure in the Master's office. R.R.O. 1970, Reg. 545, r. 403.

404. The court may require explanations or reasons from a master or referee, and may remit the cause or matter, or any part thereof, for further consideration, to the same or any other master or referee. R.R.O. 1970, Reg. 545, r. 404.

Proceedings on References

405. Every order of reference shall be brought into the Master's office within ten days after it is issued by the party having the carriage of it, and, in default, any other party having an interest in the reference may assume the carriage of the order. R.R.O. 1970, Reg. 545, r. 405.

406. Unless otherwise directed by the Master, and subject to rules 477 and 478, notice of the reference before him shall be given to every party affected by or interested in the inquiry though any such party may not have appeared in the action, but, in the absence of special direction, when

default in appearance is made to such notice, no further notice need be given unless the party in default files a written request for notice with an address for service. R.R.O. 1970, Reg. 545, r. 406.

407. Where in proceedings before the Master it appears to him that a person not already a party ought to be made a party and ought to be at liberty to attend the proceedings before him, he may make an order adding him as a party defendant and direct a copy of the order, endorsed with a notice (Form 44), and a copy of the judgment or order of reference endorsed with a notice in accordance with Form 43, to be served upon such person, who thereupon shall be treated and named as a party to the action and shall be bound as if he had been originally made a party. R.R.O. 1970, Reg. 545, r. 407.

408. A person so served may apply to the court at any time within ten days from the date of such service to discharge, add to, vary or set aside the order of reference or the order adding him as a party. R.R.O. 1970, Reg. 545, r. 408.

409. Where at any time during a reference it appears to the Master that the interests of the parties can be classified, he may require the parties constituting each or any class to be represented by the same solicitor and, where the parties constituting such class cannot agree upon the solicitor to represent them, the Master may nominate him. R.R.O. 1970, Reg. 545, r. 409.

410. Where a party prosecuting a reference does not proceed with due diligence, the Master may upon the application of any other person interested commit to him the prosecution of the reference. R.R.O. 1970, Reg. 545, r. 410.

411. A reference shall be proceeded with as far as possible *de die in diem*, and, when an adjournment is ordered, the Master shall note in his book the reason thereof and shall when practicable fix the time when it is to be resumed so as to avoid the service of a new appointment. R.R.O. 1970, Reg. 545, r. 411.

412. The Master shall, unless he dispenses with it, in the first instance issue an appointment to consider, and, upon the return of the appointment, he shall fix a time at which to proceed with the reference and shall give any special directions he thinks fit, as to,

- (a) the parties who are to attend on the several accounts and inquiries;
- (b) the time when each proceeding is to be taken;
- (c) the mode in which any accounts referred to him are to be taken or vouched;
- (d) the evidence to be adduced in support thereof;

- (e) the manner in which each of the accounts and inquiries is to be prosecuted,

and any such directions may be afterwards varied or added to, as are found necessary. R.R.O. 1970, Reg. 545, r. 412.

413. Under an order of reference the Master has power,

- (a) to take the accounts with rests or otherwise;
- (b) to take account of money, rents and profits received or which, but for wilful neglect or default, might have been received;
- (c) to set occupation rent;
- (d) to take into account necessary repairs, and lasting improvements, and costs and other expenses properly incurred otherwise, or claimed to be so;
- (e) to make all just allowances;
- (f) to report special circumstances; and
- (g) generally in taking the accounts, to inquire, adjudge and report as to all matters relating thereto, as fully as if they had been specifically referred. R.R.O. 1970, Reg. 545, r. 413.

414. The Master may cause parties to be examined, and to produce books, papers and writings, as he thinks fit, and may determine what books, papers and writings are to be produced, and when and how long they are to be left in his office, or, in case he does not deem it necessary that such books, papers or writings be left or deposited in his office, he may give directions for their inspection by the parties requiring them at such time and in such manner as he deems expedient. R.R.O. 1970, Reg. 545, r. 414.

415. The Master may cause advertisements for creditors or for heirs or next of kin, or other unascertained persons, and the representatives of such as are dead, to be published as the circumstances of the case require, and in such advertisements he shall appoint a time within which such persons are to come in and prove their claims, and shall notify them that, unless they so come in, they are to be excluded from the benefit of the order, but a claim may nevertheless be received by the Master at any later time (Form 49). R.R.O. 1970, Reg. 545, r. 415.

416. The Master shall consider the claims brought in before him pursuant to such advertisement upon a day to be fixed by him when settling the advertisement, and the executor or person appointed to examine the claims may require the claimant to produce before him any document in his posses-

sion (Form 50), and, if any claim is to be contested, shall cause notice of contestation to be served upon the claimant, fixing a day when he will adjudicate upon the claim (Form 45), and, where a claim is not to be contested or is to be contested in part only, a notice shall be sent according to Form 52. R.R.O. 1970, Reg. 545, r. 416.

417. The executor or administrator, or such other person as the Master directs, shall examine the claims sent in pursuant to the advertisement and ascertain as far as he is able, which of them are just and proper. R.R.O. 1970, Reg. 545, r. 417.

418. The executor or administrator, or one of the executors or administrators, or such other person as the Master directs, shall, on or before the day appointed to consider the claims, file an affidavit, verifying a list of the claims sent in pursuant to the advertisement, and stating which of them are just and proper to be allowed, and the reasons for such belief. R.R.O. 1970, Reg. 545, r. 418.

419. Under every order whereby the delivery of deeds or execution of conveyances is directed or becomes necessary, the Master shall give directions as to delivery of such deeds, settle conveyances where the parties differ, and give directions to the parties as to the conveyances and as to the execution thereof. R.R.O. 1970, Reg. 545, r. 419.

420. Where an account is to be taken, the accounting party, unless the Master otherwise directs, shall bring in the account in debit and credit form, verified by affidavit, and the items on each side of the account shall be numbered consecutively, and the account shall be referred to by the affidavit as an exhibit, and shall not be annexed thereto. R.R.O. 1970, Reg. 545, r. 420.

421. The Master may direct that in taking accounts the books of account in which the accounts required to be taken have been kept, or any of them, be taken as *prima facie* evidence of the truth of the matters therein contained. R.R.O. 1970, Reg. 545, r. 421.

422. Before proceeding to the hearing and determining of a reference, the Master may appoint a day for the purpose of entering into the accounts and inquiries, and may direct the production and inspection of vouchers, and, if deemed proper, the cross-examination of the accounting party on his affidavit, with a view to ascertaining what is admitted and what is contested between the parties. R.R.O. 1970, Reg. 545, r. 422.

423. A party seeking to charge an accounting party beyond what he has in his account admitted to have received shall give notice thereof to the accounting party, stating as far as he is able the amount sought to be charged and the particulars thereof in a short and succinct manner, and the Master may direct any party who seeks to falsify

an account to deliver particulars of the item objected to, and the particulars shall refer to the item by number. R.R.O. 1970, Reg. 545, r. 423.

424. The Master shall keep in his office a book in which he shall enter proceedings taken before him and the directions that he gives in relation to the prosecution of the reference, or otherwise, and it is not necessary to issue or serve any formal order or document embodying such directions to bind the parties attending the reference. R.R.O. 1970, Reg. 545, r. 424.

425. In giving directions and in regulating the manner of proceeding before him, the Master shall devise and adopt the simplest, most speedy and least expensive method of prosecuting the reference, and with that view may dispense with any proceeding ordinarily taken which he conceives to be unnecessary or substitute a different course of proceeding for that ordinarily taken. R.R.O. 1970, Reg. 545, r. 425.

426. Where the Master directs parties not in attendance before him to be notified to attend at some future day or for different purposes at different future days, it is not necessary to issue separate appointments, but the parties shall be notified by one appointment, signed by the Master, of the proceedings to be taken, and of the times appointed by him for taking them. R.R.O. 1970, Reg. 545, r. 426.

427. As soon as the hearing of a matter pending before the Master is completed, he shall so inform the parties to the reference then in attendance and make a note to that effect in his book, and after such entry no further evidence shall be received or proceedings had without the special permission of the Master, and the Master shall then fix a day to settle his report and shall cause notice of such day to be given to all parties interested not then in attendance who have appeared upon the reference or requested notice under rule 406, unless for special reason such notice is dispensed with. R.R.O. 1970, Reg. 545, r. 427.

428. No part of any account, affidavit, deposition, examination or pleading used in the Master's office shall be stated or recited in the report, but the same may be referred to by date or otherwise. R.R.O. 1970, Reg. 545, r. 428.

429. Reports affecting money in court or to be paid into court shall set forth in figures in a schedule a brief summary of the sums found by the report and paid or payable into or out of court and the funds or shares to which the sums of money are respectively chargeable. R.R.O. 1970, Reg. 545, r. 429.

430. As soon as the Master's report is settled and signed, it shall be delivered to the party prosecuting the reference, or, in case he declines to take it, then, in the discretion of the Master, to any other party applying therefor. R.R.O. 1970, Reg. 545, r. 430.

431. Pending a reference to a master, all affidavits, papers and documents relating thereto required to be filed shall be filed with the Master, but every report or certificate of a master shall be filed in the office in which the proceedings were commenced, and, upon the completion of the reference, the papers shall be transferred to the office in which the proceedings were commenced. R.R.O. 1970, Reg. 545, r. 431.

432. Any party affected by a report may file it or a duplicate of it and shall forthwith serve notice of filing upon all parties appearing in the action or attending upon the reference. R.R.O. 1970, Reg. 545, r. 432.

433.—(1) Where the Master is directed to appoint money to be paid at some time and place, he shall appoint it to be paid into a bank to the joint credit of the party to whom it is made payable and the Accountant, and the party to whom it is made payable may name the bank into which he desires it to be paid.

(2) Where money is paid into a bank in pursuance of such appointment, the party paying may pay it either to the credit of the party to whom it is made payable or to the joint credit of the party and the Accountant, and, if it be paid to the sole credit of the party, such party is entitled to receive it without order.

(3) When money is paid to the joint credit of the Accountant and the party entitled, the Accountant shall sign the cheque for payment out upon the production of the consent of the party paying in, duly verified, or of his solicitor, or, in the absence of such consent upon the order of a judge. R.R.O. 1970, Reg. 545, r. 433.

434. Where by a report any money in court is found to belong to minors, the Master shall require proper evidence of the age of the minors to be given before him and shall in his report state the date of birth and age at the time of his report of each of such minors, or shall certify specially his reason for not so doing. R.R.O. 1970, Reg. 545, r. 434.

435. In administration suits, reports shall, as far as possible, be according to Form 54. R.R.O. 1970, Reg. 545, r. 435.

436. Every master has the same power, authority and jurisdiction as the Master at Toronto when sitting in chambers with respect to all matters referred to him or which arise in his office. R.R.O. 1970, Reg. 545, r. 436.

437. Where a master acts under rule 436, the fees shall, with respect to such business, be the same as are payable for the like business in chambers. R.R.O. 1970, Reg. 545, r. 437.

438. In taking accounts in administration proceedings, interest shall be computed on the deceased's debts from the date of the judgment or order, and, on

at the end of one year after the deceased's death, or at another time if payment is directed by the court. R.R.O. 1970, Reg. 545, r. 438.

When an order is made for payment of a debt due to creditors, the person whose duty it is to execute the order shall send each creditor a notice that the order has been obtained from the Accountant, and shall deliver it with the Accountant any papers necessary to enable the creditors to receive their payments. R.R.O. 1970, Reg. 545, r. 439.

When notice required to be given to a creditor is not given, unless the Master otherwise directs, the creditor may apply to the court for a registered letter to the creditor or for an order for the address given in the claim sent in, or for an order for the address given by him. R.R.O. 1970, Reg. 545, r. 440.

When an order is made for the sale of property, the Master may order the property to be sold either by public auction, or by tender, or part by one mode and part by another, as he thinks best for the interest of the parties. R.R.O. 1970, Reg. 545, r. 441.

When the Master has the conduct of the sale, he may cause the Master's office a draft advertise-

ment to be published in the following form:

I, the undersigned, in pursuance of an order of the court, do hereby advertise for sale:

1. The property to be sold;

2. The location and true description of the property to be sold;

3. The manner in which the property is to be sold, whether in one lot or several, and, if in several, in how many, and what lots;

4. The proportion of the purchase money is to be paid down by way of deposit, and at what times, and whether the residue of such purchase money is to be paid with or without interest;

5. Whether the sale is subject to a reserve bid, if so, the amount of the reserve bid;

6. The date in which the proposed conditions of sale differ from the standing conditions of sale. R.R.O. 1970, Reg. 545, r. 442.

When the Master returns the appointment to settle the estate, the Master shall also fix the time for the sale, name an auctioneer, where one is to be named, give direction for publication, fix the time for the sale, and make every other necessary arrangement for the sale. R.R.O. 1970, Reg. 545, r. 443.

444. The standing conditions of sale shall be those set forth in Form 55. R.R.O. 1970, Reg. 545, r. 444.

445. All parties may bid except the party having the conduct of the sale and except any trustees, agents and other persons in a fiduciary position. R.R.O. 1970, Reg. 545, r. 445.

446. Where no auctioneer is employed, the Master or his clerk shall conduct the sale. R.R.O. 1970, Reg. 545, r. 446.

447. The purchaser shall sign an agreement to purchase at the time of the sale. R.R.O. 1970, Reg. 545, r. 447.

448. The deposit shall be paid to the vendor or his solicitor at the time of sale and shall forthwith be paid by him into court in the name of the purchaser. R.R.O. 1970, Reg. 545, r. 448.

449. After the sale is concluded, the auctioneer, where one is employed, shall make an affidavit as to the result of the sale, and, where no auctioneer is employed, the Master or his clerk shall certify the result, and, where expedient, a separate report on the sale may be made (Form 56). R.R.O. 1970, Reg. 545, r. 449.

450. Objection to the sale shall be by motion to set it aside, and notice of the motion shall be served upon the purchaser and on the other parties, and biddings shall be opened only on special grounds. R.R.O. 1970, Reg. 545, r. 450.

451. The purchaser may pay his purchase money or the balance thereof into court without further order, and, after confirmation of the report on sale, upon notice to the party having the conduct of the sale, he may, if he so desires, obtain a vesting order, and, when he is entitled to be let into possession, if possession is wrongfully withheld from him, an order against any party in possession for the delivery thereof to him may be made upon his application or upon the application of the vendor. R.R.O. 1970, Reg. 545, r. 451.

452. The vendor shall forthwith upon demand deliver an abstract of title to the purchaser, and, if the purchaser does not serve objections within seven days, he shall be deemed to have accepted the abstract as sufficient, but, if objections are served, the vendor shall answer them within fourteen days, and, if the purchaser is still dissatisfied and the parties cannot agree, either party may obtain from the Master an appointment to consider the abstract. R.R.O. 1970, Reg. 545, r. 452.

453. The Master shall determine all questions upon the abstract and the sufficiency thereof, and, if desired by the purchaser, may require the vendor to make the same as perfect as he can, and, if the vendor neglects or refuses to do so, may permit the purchaser to supply defects therein at the vendor's expense. R.R.O. 1970, Reg. 545, r. 453.

454. The Master shall not make a report on the abstract but shall mark the objections as allowed or disallowed, and, when he finds the abstract perfect or as perfect as the vendor can make it, he shall certify to that effect thereon, and such certificate is final without filing, unless appealed from in the same manner as a Master's report. R.R.O. 1970, Reg. 545, r. 454.

455. After acceptance or confirmation of the abstract, the verification shall be proceeded with, and the vendor shall with all diligence afford the purchaser all the means of verification in his power, in the manner and according to the practice usual with conveyances, and, after having done so, he may serve a notice on the purchaser to make objections or requisitions, if any, within seven days, or otherwise he will be deemed to have accepted the title. R.R.O. 1970, Reg. 545, r. 455.

456. Upon being served with such notice, the purchaser, if dissatisfied, shall serve his objections or requisitions within the time thereby limited, and the like course shall be followed upon such objections or requisitions as is prescribed in relation to the abstract. R.R.O. 1970, Reg. 545, r. 456.

457. In the case of the refusal or neglect of the vendor to verify the abstract to the best of his ability or to furnish any necessary proof or documents in his power, the Master may authorize the purchaser to do so at the vendor's expense. R.R.O. 1970, Reg. 545, r. 457.

458. Rules 452 to 457 apply to all cases of reference to the Master as to title as well as to sales by the court. R.R.O. 1970, Reg. 545, r. 458.

459. Purchase money shall not be paid out of court except upon consent of the purchaser or his solicitor or upon proof being made to the Accountant that the purchaser has received a conveyance or vesting order in respect of the property for which the money in question was paid into court. R.R.O. 1970, Reg. 545, r. 459.

460. No conveyance shall be settled until evidence is produced of the purchase money having been paid into court, and, where a mortgage is taken for part of the purchase money, until evidence is given to the said officer of such mortgage having been registered and deposited with the Accountant. R.R.O. 1970, Reg. 545, r. 460.

461. Where the Master is to appoint a committee, guardian or receiver, the name proposed and the names of his proposed sureties shall be given in the appointment and the Master shall appoint the committee, guardian or receiver and settle and approve the proposed security, and, when the security has been duly filed, shall sign a written appointment. R.R.O. 1970, Reg. 545, r. 461.

462. The Master shall appoint a time when the person appointed is to pass his accounts and pay his balances into court, and, in default of compliance with

such direction, the person appointed shall, upon passing of his accounts, be disallowed compensation for his services, and his estate shall be charged with interest upon his balance. R.R.O. 1970, Reg. 545, r. 462.

MENTAL INCOMPETENCY PROCEEDINGS

462a.—(1) Where the respondent is found incompetent under the *Mental Incompetency Act*, the proceedings to be removed into the Supreme Court, he shall serve a notice of removal on the respondent and file the same with proof of service with the clerk of the county or district court in which the proceedings were brought, not less than two days preceding the day of the hearing of the application for the declaration of incompetency or incapability.

(2) Upon filing of the notice of removal, the clerk of the court of service thereof the clerk of the court shall forthwith transmit the proceedings to the proper office of the Supreme Court in the district in which the proceedings were brought. R.R.O. 1970, Reg. 545, r. 462a (1), (2).

(3) Within ten days of service of the notice of removal the applicant shall serve a notice of removal on the respondent and file a notice of removal in the place of the hearing of the application for the declaration of the Supreme Court and thereupon the proceedings and procedure of the Supreme Court shall apply from March 25th, 1964, shall apply from that date coming within this rule. R.R.O. 1970, Reg. 545, r. 462a (3); O. Reg. 520/78, s. 18.

462b.—(1) Where an order has been made by a judge of a county or district court for the appointment of a permanent committee or receiver for the management or propounding a suit, and the order has not previously confirmed by the Supreme Court, the order shall be issued forthwith in the office of the clerk of the county or district court. R.R.O. 1970, Reg. 545, r. 462b (1).

(2) Unless the order has been confirmed by the Supreme Court, the applicant shall lodge with the clerk of the county or district court a notice of removal of the proceedings before a judge at Toronto for the confirmation of the scheme of management and the order shall be issued forthwith upon transmit the notice of motion and the proceedings and other papers filed in the proceedings to the Registrar of the Supreme Court at Toronto. R.R.O. 1970, Reg. 545, r. 462b (2); O. Reg. 520/78, s. 19.

(3) The notice of motion for removal of the proceedings shall be lodged with the clerk of the county or district court at least ten days upon which the motion is returnable.

(4) Upon receipt of the notice of removal the Registrar shall file the application on the list of cases for removal to the Supreme Court.

it shall not be necessary for counsel to appear in the first instance.

(5) The order shall be considered by the presiding judge and if in his opinion it is proper to confirm the appointment of the committee and the scheme of management he shall confirm the same by so endorsing the notice of motion and an order prepared by the solicitor for the applicant shall be issued and entered in the Supreme Court and a copy thereof forthwith shall be filed with the clerk of the county or district court in which the proceedings were commenced.

(6) Where the judge is not satisfied he shall state shortly his reasons therefor in writing and either direct an amendment to be made before an order is issued or adjourn the motion and direct the Registrar to give notice to the applicant of the adjourned hearing upon which counsel shall appear. R.R.O. 1970, Reg. 545, r. 462b (3-6).

463. Upon the death of a person who has been found mentally incompetent or mentally incapable under the provisions of the *Mental Incompetency Act* the accounts of his committee shall be passed by a judge of the county or district court in the county or district in which the proceedings are pending, or where the matter has been referred to the Master, by the Master to whom the matter has been referred, upon notice to his executor or administrator, and, upon payment over to the executor or administrator of the balance found to be due by the judge or Master, as the case may be, and upon confirmation of the order or report, the bond given by the committee shall be handed over for cancellation. R.R.O. 1970, Reg. 545, r. 463.

MORTGAGE ACTIONS

464. A mortgagee may in an action claim foreclosure of the equity of redemption or a sale of the mortgaged premises and payment of the mortgage debt by any party personally liable therefor and possession of the mortgaged premises. The writ shall be endorsed in accordance with the form applicable thereto. R.R.O. 1970, Reg. 545, r. 464.

465.—(1) Subject to subrule (2), in an action for foreclosure all persons interested in the equity of redemption shall be made defendants by writ.

(2) Where by reason of their number or otherwise it is expedient to institute the action without making subsequent encumbrancers defendants by writ the plaintiff may, upon obtaining judgment with a reference, apply to add the subsequent encumbrancers as defendants in the Master's Office but where the Master considers that such alternative procedure was taken without sufficient reason he may, in his discretion, disallow the additional costs occasioned thereby.

(3) In an action for sale, subsequent encumbrancers shall not be made defendants by writ, but shall be added as parties in the Master's Office. R.R.O. 1970, Reg. 545, r. 465.

466.—(1) Where a defendant by writ in an action for foreclosure or sale desires an opportunity to redeem the mortgaged property, he shall, within the time limited for appearance and, whether an appearance is entered or not, file a notice to that effect and giving his address and naming a place within Ontario to be called his address for service and, where the defendant filing such notice is a subsequent encumbrancer, the notice shall contain particulars of his claim verified by affidavit, and a defendant who has filed such notice shall forthwith serve the notice on the plaintiff. R.R.O. 1970, Reg. 545, r. 466 (1); O. Reg. 36/73, s. 31; O. Reg. 1/79, s. 1, *revised*.

(2) Any defendant who has complied with subrule (1) shall be entitled to four clear days' notice of the taking of the account of the amount due to the plaintiff.

(3) Any defendant who has complied with subrule (1) shall be entitled to six calendar months from the date of the taking of the account of the amount due to the plaintiff within which to redeem the mortgaged property unless he is a subsequent encumbrancer, in which case, in a foreclosure action turned into a sale action pursuant to rule 467, he shall not be entitled to redeem, and in a foreclosure action he shall only become so entitled if his claim is not disputed or, if disputed, is proved on a reference to the Master.

(4) Where a judgment for sale has been obtained in a foreclosure action a subsequent encumbrancer, whether or not he has complied with subrule (1), shall be entitled to notice of the first appointment on the reference in the sale action. R.R.O. 1970, Reg. 545, r. 466 (2-4).

467.—(1) Where a defendant in a foreclosure action having an interest in the equity of redemption, other than as a subsequent encumbrancer, desires a sale, but does not desire to defend the action, he shall, within the time limited for appearance, serve and file, with proof of service, a notice to that effect and pay into court the sum of \$150 to meet the expenses of the sale, and thereupon judgment for sale shall issue.

(2) Where a defendant in a foreclosure action is a subsequent encumbrancer and desires a sale, but does not desire to defend the action, or redeem the mortgaged property he shall, within the time limited for appearance serve and file, with proof of service, a notice to that effect and pay into court the sum of \$150 to meet the expenses of the sale, and thereupon a judgment for sale conditional upon such defendant proving his claim on a reference to the Master shall issue (Form 104A).

(3) Where a subsequent encumbrancer added in the Master's Office desires a sale, he shall, within the time limited by rule 477 serve and file a notice to that effect, with proof of service, and pay into court the sum of \$150 to meet the expenses of the sale, and thereupon the Master, on the return of the reference, shall make an order amending the judg-

ment from a judgment for foreclosure to a judgment for sale, provided, however, that no such order shall be made until after the subsequent encumbrancer desiring a sale has proved his claim to the satisfaction of the Master. R.R.O. 1970, Reg. 545, r. 467.

468. Where there are defendants who are minors, the Official Guardian may require the judgment to be for sale without making any deposit. R.R.O. 1970, Reg. 545, r. 468.

469.—(1) If the plaintiff prefers that the sale be conducted by an adult defendant desiring the sale, he may so elect, and he shall serve upon such defendant and file, with proof of service, notice of such election, whereupon such defendant shall conduct the sale and shall be entitled to a return of his deposit.

(2) In other cases the Master shall deal with the deposit in making his report. R.R.O. 1970, Reg. 545, r. 469.

470. The court may, on special application either before or after judgment, direct a sale instead of a foreclosure and may direct an immediate sale without previously determining the priorities of encumbrancers or giving the usual or any time to redeem. R.R.O. 1970, Reg. 545, r. 470.

471. In a mortgage action where the defendants, or some of the defendants, are minors and default is made by the adult defendants and the Official Guardian does not desire to set up any defence, the plaintiff, upon filing affidavits showing such facts and circumstances as entitle him to judgment, may move for judgment, upon notice to the Official Guardian. R.R.O. 1970, Reg. 545, r. 471; O. Reg. 520/78, s. 20.

472.—(1) In an action for foreclosure or sale where the writ has been specially endorsed and the defendant or defendants fail to appear and fail to comply with subrule 466 (1) the plaintiff may obtain judgment for immediate foreclosure or immediate sale, as the case may be, unless a reference is desired as to subsequent encumbrancers (Form 104).

(2) If a reference is desired as to encumbrancers, the plaintiff is entitled to judgment with a reference, and, if no encumbrancer proves a claim the Master shall so certify, and, upon confirmation of the Master's report, a final order of foreclosure or of sale shall be made.

(3) If upon the reference in an action for foreclosure or redemption a subsequent encumbrancer proves a claim, the usual period of redemption shall be granted. R.R.O. 1970, Reg. 545, r. 472.

473.—(1) Where no reference as to subsequent encumbrancers is desired, the registrar may take the account of the amount due to the plaintiff and, where more than one party is entitled to redeem, determine the priority in which each is so entitled, and sign judgment accordingly (Form 103). R.R.O. 1970, Reg. 545, r. 473 (1).

(2) Such judgment may be appealed to a judge in the manner prescribed for appeals from the Master. R.R.O. 1970, Reg. 545, r. 473 (2); O. Reg. 520/78, s. 21.

(3) Where, on the taking of the account, or in determining priorities any dispute arises between the parties or the registrar is in doubt, he may sign judgment directing a reference to the Master (Form 102).

(4) Where subsequent encumbrancers are not made defendants by writ and a reference is desired as to encumbrancers, the registrar shall sign judgment directing a reference to the Master (Form 102).

(5) As an alternative to obtaining judgement for immediate payment before the registrar, the plaintiff may, where a reference is desired, obtain judgment for the amount to be found due by the Master.

(6) Where the writ has not been personally served, the claim of the plaintiff shall be duly verified by an affidavit which shall be filed with the Registrar. R.R.O. 1970, Reg. 545, r. 473 (3-6).

474. In a redemption action, where the writ has been specially endorsed and the defendant fails to appear, the plaintiff may sign judgment (Form 105). R.R.O. 1970, Reg. 545, r. 474.

475. Upon a reference pursuant to a judgment for foreclosure or sale or redemption of mortgaged property, the Master shall determine who has any lien, charge or encumbrance thereon subsequent to the mortgage in question. R.R.O. 1970, Reg. 545, r. 475.

476. The plaintiff shall file with the Master sufficient evidence to enable him to determine who appears to have any lien, charge or encumbrance upon the mortgaged property subsequent to the mortgage in question. R.R.O. 1970, Reg. 545, r. 476.

477.—(1) The Master shall direct all such persons as appear to have any lien, charge or encumbrance upon the mortgaged property subsequent to the mortgage in question who are not defendants by writ to be made parties to the action and to be served with notice of the reference (Form 46).

(2) Any person served with such notice may apply, within ten days from the date of the service, to discharge, add to, vary or set aside the judgment or the order making him a party.

(3) Where it appears to the Master that a defendant by writ, who has not been made a party to the action as a subsequent encumbrancer, may have some lien, charge or encumbrance upon the mortgaged property, subsequent to the mortgage in question, the Master shall direct such defendant to be served with notice of the reference (Form 47). R.R.O. 1970, Reg. 545, r. 477.

(1) Subject to subrules (2) and (3), all writ shall be served with notice of reference stating the names and nature of the parties appearing to have a lien or claim upon the mortgage property

defendant by writ who is not a subsequent encumbrancer and has failed to comply with subrule (1) may be served with notice of the writ at his last address or at his last place of abode

Subsequent encumbrancer who has been served by writ and has failed to comply with subrule (1) is not entitled to any notice of the writ. R.R.O. 1970, Reg. 545, r. 478.

(2) If a party appearing to have any lien or claim upon the mortgage property, subsequent to the mortgage, has been served with a notice of reference under subrule 477 or 478 and fails to attend and prove his claim at the time and place appointed, the Master shall so report and, upon confirmation of his report, the claim of any such party shall be deemed to be foreclosed.

(3) Where the defendant other than a subsequent encumbrancer has complied with subrule 466 (1) and no subsequent encumbrancer has proved a claim on the reference, the Master shall so report, and, upon the confirmation of his report, a final order of sale or of sale may be obtained upon an *ex parte* application. R.R.O. 1970, Reg. 545, r. 479.

(4) Upon the reference, the Master shall take account of what is due to the plaintiff and to the subsequent encumbrancer who has proved a claim. He shall tax their costs and shall appoint a place for payment.

The costs shall be fixed for redemption by all of the parties entitled to redeem, and where more than one party is entitled to redeem the Master shall determine the priority in which each is so

(5) In any action, any defendant having an interest in the equity of redemption other than a subsequent encumbrancer, who has complied with subrule (1), shall be entitled to redeem and, in order to do so, shall be required to pay the amount of the claim of the plaintiff and of any subsequent encumbrancer who has proved a claim including their costs. R.R.O. 1970, Reg. 545, r. 480.

(6) Where the plaintiff is proceeding for foreclosure or sale by writ against an assignee of a mortgagee, the statement of account of the mortgage account, under the signature of the assignee, is sufficient *prima facie* evidence of the correctness of such account, and an affidavit or oath of the assignee is required from the mortgagee or any assignee denying any payment to such

mortgagee or intermediate assignee, unless the mortgagee or his assignee, or the party proceeding to redeem, denies by oath or affidavit the correctness of such statement of account. R.R.O. 1970, Reg. 545, r. 481.

482. The Master's report shall state the names of all persons who have been made parties in his office, and all subsequent encumbrancers who have been served with notice of the reference and the names of such as have made default, shall set forth the amount of the claims and the priorities of such as have attended and proved their claims who shall be certified as the only encumbrancers upon the property, shall bear date the day upon which it is settled and shall be signed and filed within fourteen days thereafter, otherwise a new account shall be taken. R.R.O. 1970, Reg. 545, r. 482.

483.—(1) Subsequent accounts shall, from time to time, be taken, subsequent costs taxed, and necessary proceedings had, for redemption by, or foreclosure of, the other parties entitled to redeem the mortgaged property, as if specific directions for all these purposes had been contained in the judgment.

(2) Where more than one defendant entitled to redeem makes payment, any such defendant may apply to the Master for an order for further directions, and thereupon subrule (1) applies. R.R.O. 1970, Reg. 545, r. 483.

484.—(1) If a judgment directs a sale on default in payment, then an order for sale may be obtained on an *ex parte* application.

(2) Upon a judgment or order for sale being obtained the property shall be sold with the approbation of the Master, and the purchaser shall pay his purchase money into court unless otherwise directed by the Master. R.R.O. 1970, Reg. 545, r. 484.

485. When so paid, the purchase money shall be applied in payment of what has been found due to the plaintiff and the other encumbrancers, if any, according to their priorities, together with subsequent interest and subsequent costs. R.R.O. 1970, Reg. 545, r. 485.

486. Upon a reference under a judgment for redemption, the Master shall take an account of what is due to the defendant including costs, if any, and shall appoint a time and place for payment. R.R.O. 1970, Reg. 545, r. 486.

487. Where the judgment is for redemption or foreclosure or redemption or sale, such proceedings are in such case to be thereupon had, and with the same effect as in an action for foreclosure or sale, and in such case the last encumbrancer shall be treated as the owner of the equity of redemption. R.R.O. 1970, Reg. 545, r. 487.

488. Subject to the *Mortgages Act*, upon payment of the amount found due, the mortgagee shall, unless the judgment otherwise directs, assign and convey the mortgaged property to the party making the payment, or to whom he may appoint, free and clear of all encumbrances done by the mortgagee, and shall deliver up all deeds and writings in his custody or power relating thereto. R.R.O. 1970, Reg. 545, r. 488.

489. If the purchase money is not sufficient to pay what has been found due to the mortgagee (where the mortgagor or person liable to pay the debt is a defendant), he is entitled on an *ex parte* application to an order for the payment of the deficiency. R.R.O. 1970, Reg. 545, r. 489.

490.—(1) Where the state of account as ascertained by a judgment, order or report is changed before the day appointed for payment, the mortgagee may, before the day appointed, give notice of the change of account to the person called upon to pay, giving particulars of the change of account and of the sum to be paid.

(2) If notice of change of account has been given and the sums therein mentioned appear proper to be allowed or paid, a final order may be granted without further notice or the officer applied to may in his discretion require notice to be given and may fix a new day.

(3) If any party to whom notice of change of account is given is dissatisfied, he may apply to the Master to determine the amount to be paid and to fix a new day.

(4) If the state of account has been changed before the day appointed for payment and no such notice has been given and the amount payable for redemption is reduced, a new day shall be appointed for payment upon notice to the persons entitled to redeem but, if the amount payable has been increased, the mortgagee may apply for a final order without the appointment of a new day.

(5) If the state of the account has been changed after the day appointed for payment, it is not necessary to appoint a new day unless the officer to whom the application is made for a final order so directs. R.R.O. 1970, Reg. 545, r. 490.

491.—(1) In an action for foreclosure or sale or for recovery of possession of any mortgaged property for default in the payment of interest or of an instalment of the principal, the defendant may, before judgment or after judgment but before sale or final foreclosure or recovery of possession of the mortgaged property, move to stay the action upon payment of the amount then due for principal, interest and costs.

(2) Any action so stayed may upon subsequent default in the payment of a further instalment of the principal, or of the interest, be proceeded with by leave of the court. R.R.O. 1970, Reg. 545, r. 491.

492. In default of payment according to the judgment in a foreclosure action, a final order of foreclosure may be made on an *ex parte* application, be granted against the defendant making default. R.R.O. 1970, Reg. 545, r. 492.

493. In a redemption action, on default of the defendant being made according to the report, the defendant is entitled, on an *ex parte* application, to a final order of foreclosure against the plaintiff dismissing the action with costs to the plaintiff. R.R.O. 1970, Reg. 545, r. 493.

494. In a redemption action where the property has been declared foreclosed, directions may be given by the court in the final order foreclosing the plaintiff, or in subsequent orders, that all necessary inquiries be made of the accounts taken and proceedings had for redemption, or foreclosure, or redemption or sale, as to the effect of subsequent encumbrancers, or for the adjustment of the relative rights and liabilities of the plaintiff and defendants as among themselves. R.R.O. 1970, Reg. 545, r. 494.

495.—(1) In mortgage actions, the original period allowed for redemption shall be six months, and when it becomes necessary to fix a date for redemption after the lapse of the original period, the further time allowed shall be one month.

(2) Notwithstanding subrule (1) the court may, on the application of any party entitled to redeem, extend the time for redemption from time to time for such time and upon such terms as the court may think just.

(3) Notwithstanding subrule (1) the court may, if it is of opinion that redemption may be abridged on the application of the parties entitled to redeem or in the opinion of the court the value of the property may depreciate to the detriment of the mortgagee, more of the parties to the action, extend the time for redemption. R.R.O. 1970, Reg. 545, r. 495.

496.—(1) Where it is made to appear to the court for any reason of their number or otherwise that it is impracticable to permit a mortgage action to proceed without the presence of all persons interested in the property, the court may, on the application of the mortgagee, order redemption, other than subsequent to judgment, and the court may give directions accordingly and may order such other persons to be made parties to the action as the Master's Office after judgment.

(2) Where on a reference it appears that there are persons interested in the property who are not parties to the action other than subsequent encumbrancers, the court may, on the application of the mortgagee, order that be made parties in the Master's Office upon such terms as seem just and any such order may be made subject to a copy of the order endorsed with a notice to the parties to the action to Form 45, and a copy of the judgment of reference endorsed with a notice to the parties to the action to Form 43, to be served on every such

(3) A person so served may apply within ten days from the date of such service to discharge, add to, vary or set aside the judgment or the order making him a party. R.R.O. 1970, Reg. 545, r. 496.

APPEALS AND NEW TRIALS

Proceedings Before an Appellate Court

497.—(1) Sittings of the Divisional Court shall be held at Toronto continuously except during vacations and on holidays.

(2) Unless otherwise directed in writing by the Chief Justice of the High Court, sittings of the Divisional Court shall also be held:

in London commencing on the second Monday of January and October
in Ottawa commencing on the second Monday of February and November
in Sudbury commencing on the second Monday of March
in Sault Ste. Marie commencing on the second Monday of April
in Thunder Bay commencing on the second Monday of May.

(3) For the purpose of the Divisional Court the counties and districts set out below in the second column opposite the name of each of the foregoing cities in the first column shall be deemed to form a judicial area under the name of that city:

COLUMN 1	COLUMN 2
London	Middlesex, Lambton, Elgin, Oxford, Perth, Norfolk, Kent, Essex, Huron
Ottawa	Ottawa-Carleton, Lanark, Leeds, Grenville, Stormont, Dundas, Glengarry, Frontenac, Prescott, Russell, Renfrew
Sudbury	Sudbury, Nipissing, Parry Sound, Manitoulin, Temiskaming, Cochrane
Sault Ste. Marie	Algoma
Thunder Bay	Thunder Bay, Kenora, Rainy River

(4) A proceeding which may be heard by the Divisional Court may be heard at a sittings of that Court held in a judicial area if,

- (a) the proceeding is *ex parte*; or
- (b) all parties consent to the hearing thereat; or
- (c) all the respondents reside or their solicitors have offices in the judicial area; or

(d) in the case of an appeal, the trial or hearing from which the appeal has been taken was held, and in all other proceedings, the matter in controversy arose in the judicial area.

(5) A place of hearing shall be named in the notice of appeal or notice of motion by which a proceeding in the Divisional Court is originated, in accordance with subrule (4).

(6) If a sittings of the Divisional Court is not scheduled to take place or does not take place in a judicial area within four weeks of the date hereby fixed, any party may by praecipe transfer the proceedings to the list for the sittings at Toronto and notify all other parties accordingly, in which event Toronto shall be the place of hearing for that proceeding.

(7) Notwithstanding anything herein contained the Chief Justice of the High Court may in writing postpone or cancel any sittings in a judicial area or fix the place and time at which any proceeding pending in the Divisional Court shall be heard. O. Reg. 115/72, s. 7, *part*.

497a. Any document pertaining to a proceeding to be heard by the Divisional Court may be filed in the office of, delivered to or lodged with any local registrar of the Supreme Court and shall thereupon be deemed to have been filed with, delivered to or lodged with the Registrar of the Supreme Court. O. Reg. 115/72, s. 7, *part*.

497b.—(1) Unless otherwise provided, an appeal to an appellate court, including an application by way of stated case or a motion for a new trial, shall be made by notice of motion served upon all parties whose interests are sought to be affected by the appeal within fifteen days after the date of the judgment or order appealed from (Form 130).

(2) The notice shall state the relief asked and shall set forth the grounds of appeal and no other grounds may be argued except by leave of the court.

(3) An interlocutory motion to an appellate court shall be upon notice and shall be set down at least two days before the return day, at which time sufficient copies of all necessary papers shall be supplied for the use of the court. O. Reg. 115/72, s. 7, *part*

498. In all cases, other than an appeal from an interlocutory order,

- (a) the appeal shall be set down for hearing by filing in the office of the Registrar the notice of motion and proof of service within ten days after service and, not later than forty days after the appeal has been set down, there shall be left with the Registrar proof that the copies of the evidence not agreed to

to be deleted pursuant to rule 498*a* and required for use upon the appeal have been ordered;

- (b) the appellant shall, within thirty days after setting down the appeal, or within fifteen days after the evidence is ready, whichever is later, cause to be filed with the Registrar the record, exhibits and evidence, not agreed to be deleted, the certificate or certificates, as the case may be, referred to in rule 498*a*, and proof of service of the appellant's statement referred to in rule 501, and all such other papers as are necessary for the hearing of the appeal and lodge with the Registrar, in the case of an appeal to the Court of Appeal, five copies and, in the case of an appeal to the Divisional Court, three copies, of the appellant's statement referred to in rule 501 and of an appeal book for the use of the court, each appeal book containing in the order shown,

- (i) an index,
- (ii) the notice of appeal,
- (iii) the pleadings,
- (iv) the judgment or order appealed from,
- (v) the reasons for judgment,
- (vi) such of the exhibits filed as are documents or parts of documents and which are material to the hearing of the appeal and which have not been agreed to be deleted in order of the dates of such documents, provided, however, that documents having common characteristics may be arranged in separate groups in order of their dates, if any,
- (vii) the evidence when not transcribed by a reporter,
- (viii) the certificates referred to in rule 498*a*,
- (ix) any other document material to the hearing of the appeal;

- (c) the appellant shall, contemporaneously with the lodging of the appeal book with the Registrar, serve each of the other parties with a copy thereof, together with a copy of the evidence not agreed to be deleted;

- (d) where compliance with the rules as to the appeal books, or transcripts of evidence, would cause undue expense or delay, a Judge of the Appellate Court may give special directions;

- (e) as soon as the record, exhibits, proof of service of the appellant's statement and the certificates referred to in rule 498*a* have been filed, and the appeal book and evidence not agreed to be deleted have been lodged with the Registrar, the appeal shall be deemed to be perfected, and

- (i) the Registrar shall forthwith notify all parties to the appeal, by mail, of the date upon which the appeal was so perfected, and

- (ii) subject to subclause (iii), appeals to the Court of Appeal perfected on or before the last day of any month shall be placed on the list of cases to be heard in the second month thereafter in which appeals are to be heard, and

- (iii) appeals to the Court of Appeal perfected in June shall be placed on the list of cases to be heard in September, and

- (iv) an appeal to the Divisional Court shall, on the fifteenth day after it is perfected, be placed on the list of cases to be heard at the appropriate place of hearing. O. Reg. 520/78, s. 22.

498*a*.—(1) In order to minimize, where possible, the reproduction of exhibits and the transcription of evidence for use on an appeal, the appellant shall, within twenty days following the filing of the notice of appeal, serve on each respondent a list, certified in accordance with Form 130A, setting forth those portions of the exhibits by number and of the evidence by witness that it is suggested be deleted from the case on appeal.

(2) Within ten days after receipt of the list of the appellant, the respondent, or respondents, as the case may be, shall either serve on all other parties a list certified in accordance with Form 130A confirming the appellant's list or serve on all other parties a list certified in accordance with Form 130A of any additions to, or deletions from, the appellant's list of exhibits and evidence which may be necessary for the appeal, and a respondent who does not either confirm the appellant's list or serve his own list in accordance with Form 130A within ten days shall be deemed to confirm the list submitted by the appellant.

(3) Upon receiving the list from the respondent, or respondents, as the case may be, or if the ten days referred to in subrule (2) have expired, the appellant,

subject to clause 498 (d) shall order all of the evidence not agreed to be deleted and shall include in the appeal book all exhibits not agreed to be deleted.

(4) In the disposition of the costs of the appeal, the court may have regard to the certificates referred to in this rule. O. Reg. 520/78, s. 22a.

499.—(1) An appeal from an interlocutory judgment or order of a judge of the High Court, other than an appeal from an interim order for corollary relief under the *Divorce Act* (Canada), shall not lie unless leave to appeal therefrom has been obtained from a judge of the High Court other than the judge appealed from. O. Reg. 115/72, s. 7, *part*; O. Reg. 520/78, s. 23.

(2) The application for leave shall be made within one week from the pronouncing of the order appealed from, or such further time as is allowed by the judge hearing the application for leave to appeal.

(3) Leave to appeal shall not be granted unless,

(a) there are conflicting decisions by a judge or court upon the matter involved in the proposed appeal and it is in the opinion of the judge desirable that an appeal be allowed; or

(b) there appears to the judge hearing the application to be good reason to doubt the correctness of the decision or order in question and the appeal involves matters of such importance that in the opinion of the judge leave to appeal should be given.

(4) The judge granting leave shall briefly state his reasons in writing. O. Reg. 115/72, s. 7, *part*.

(5) If leave be granted, the notice of appeal shall be served and the appeal set down within seven days after the granting of leave and appeal books complying with the requirements of clause 498 (b) shall be delivered within seven days thereafter. O. Reg. 115/72, s. 7, *part*; O. Reg. 933/79, s. 5.

(6) Except as provided in subrules (2) and (5), rules 497b and 498 apply. O. Reg. 115/72, s. 7, *part*.

499a. An appeal from an interim order for corollary relief under the *Divorce Act* (Canada) shall be to the Court of Appeal without leave and shall be heard by a single justice of appeal. O. Reg. 115/72, s. 7, *part*.

499b.—(1) An appeal to the Court of Appeal from any judgment or order of the Divisional Court, or from a final order of the High Court disposing of an application for judicial review pursuant to leave granted under subsection 6 (2) of the *Judicial Review Procedure Act*, shall not lie unless leave to appeal shall have been granted by the Court of Appeal. O. Reg. 1030/80, s. 3.

(2) An application for leave to appeal shall be made by notice of motion served upon all parties within fifteen days after the date of the judgment or order sought to be appealed from and returnable within thirty days after the date of the judgment or order sought to be appealed from or such further time as is allowed by the court hearing the application for leave to appeal. O. Reg. 628/76, s. 14.

(3) If leave be granted a notice of appeal shall be served and set down within seven days thereafter.

(4) Except as provided in subrule (2), rules 497b and 498 apply. O. Reg. 115/72, s. 7, *part*.

500. In all cases other than those referred to in rule 499b and unless otherwise provided, where leave to appeal is necessary, the provisions of subrules 499 (2), (3), (4) and (5) shall apply save that the application for leave to appeal may be made within fifteen days of the pronouncing of the order appealed from. O. Reg. 115/72, s. 7, *part*; O. Reg. 36/73, s. 32; O. Reg. 437/73, s. 4.

501.—(1) In an appeal to an appellate court every appellant shall lodge with the Registrar, in an appeal to the Court of Appeal five, and in an appeal to the Divisional Court three, legible copies of a statement signed by counsel or by some person specifically authorized by counsel, entitled "Appellant's Statement" containing, under numbered parts, the following:

1. Who is appealing, the court appealed from, and the result in the court below.
2. A concise summary of the facts relevant to the issues on the appeal, with such reference to the evidence by page and line as may be necessary.
3. The issues to be raised, each issue being followed by a concise statement of the law, including cases and authorities, relating to that issue.
4. A statement of the order that the Appellate Court will be asked to make.

(2) Every respondent shall lodge with the Registrar a similar number of legible copies of a statement, signed by counsel, or by some person specifically authorized by counsel, entitled "Respondent's Statement" containing, under numbered parts, the following:

1. i. A statement of the facts in the appellant's summary of the relevant facts which the respondent accepts as correct, and those facts with which he disagrees.
- ii. A concise summary of any additional facts relied upon, with such reference

to the evidence by page and line as may be necessary.

2. i. The position of the respondent with respect to the issues raised by the appellant, each issue being followed by a concise statement of the law bearing on the issues, including cases and authorities, relating to that issue.

- ii. Any additional issues intended to be raised by the respondent, each issue being followed by a concise statement of the law bearing on the issues, including cases and authorities, relating to that issue.

3. A statement of the order that the Appellate Court will be asked to make. O. Reg. 32/78, s. 3.

(3) The paragraphs in a statement shall be numbered consecutively throughout the statement.

(4) In an appeal to the Court of Appeal a Respondent's Statement shall be lodged and served upon each of the other parties to the appeal not later than the 20th day of the month preceding the month in which the appeal is listed to be heard.

(5) In an appeal to the Divisional Court the Respondent's Statement shall be lodged and served within or not later than fourteen days after the appeal is perfected.

(6) Where a respondent, has, pursuant to rule 503, given notice of cross-appeal,

- (a) his statement as an appellant by cross-appeal shall be delivered with or incorporated in his Respondent's Statement; and

- (b) the appellant shall deliver his statement as a respondent by cross-appeal within five days from the date on which the Respondent's Statement is due.

(7) An admission contained in a statement may be withdrawn on the hearing of the appeal with leave of the court.

(8) In default of compliance with the provisions of this rule, the appeal may be heard *ex parte* or costs may not be awarded to the defaulting party if successful. O. Reg. 437/73, s. 5, *part*.

502.—(1) If an appeal to an Appellate Court is not perfected as required within the time prescribed or allowed the respondent may give ten clear days notice to the appellant of an application to the Registrar to have the appeal dismissed as an abandoned appeal, and if he is also an appellant by cross-appeal, he may move before a judge of the Appellate Court for directions in respect of the cross-appeal. O. Reg. 437/73, s. 6.

(2) If the appeal is not perfected by the appellant within one year of the filing of the notice of appeal or within such longer time as has been fixed by a judge of the appropriate Appellate Court or an appellant has not filed copies of the evidence within thirty days after notification by the court reporter that the evidence has been transcribed, the Registrar may give notice to the appellant that, unless the appeal be perfected within ten days thereafter, the appeal will be dismissed as an abandoned appeal. O. Reg. 115/72, s. 7, *part*; O. Reg. 520/78, s. 24.

(3) If the appeal is not perfected within the ten days from the giving of either of such notices or within such further time as is allowed by a judge of the Appellate Court the Registrar shall dismiss the appeal as an abandoned appeal with costs to be taxed and shall issue a certificate accordingly (Form 131). O. Reg. 115/72, s. 7, *part*.

502a.—(1) If the appellant has not left with the Registrar proof that the copies of the evidence not agreed to be deleted pursuant to rule 498a have been ordered within the time prescribed by clause 498 (a), or within such longer time as has been fixed by a Judge of the Appellate Court, the respondent may give ten clear days' notice to the appellant of an application to the Registrar to have the appeal dismissed as an abandoned appeal, and, if he is also an appellant by cross-appeal, he may move before a Judge of the Appellate Court for directions in respect of the cross-appeal.

(2) If the appellant has not left with the Registrar such proof within the ten days from the giving of such notice, or within such further time as is allowed by a Judge of the Appellate Court, the Registrar shall dismiss the appeal as an abandoned appeal with costs to be taxed and shall issue a certificate accordingly. O. Reg. 520/78, s. 25.

503. Where a respondent intends to appeal upon his claim or counterclaim in the action or to contend that the decision appealed against should be varied, he shall, within fifteen days after the date of the judgment or order appealed from or within five days after a notice of appeal has been served upon him, whichever is later, serve a notice of cross-appeal upon all interested parties and forthwith file such notice with proof of service, provided that the omission to give such notice does not diminish the power of the court but may, in the discretion of the court, be ground for an adjournment of the appeal or for a special order as to costs. O. Reg. 115/72, s. 7, *part*.

504. The time limited by rules 497 to 503 may be extended or abridged by written consent or by a Judge of the Appellate Court. O. Reg. 115/72, s. 8.

504a. Any person interested in an appeal to the Court of Appeal between other parties may, by leave of the Court, the Chief Justice of Ontario or the Associate Chief Justice of Ontario, intervene therein upon such terms and conditions and with such rights and

privileges as the Court, the Chief Justice or the Associate Chief Justice may determine. O. Reg. 933/79, s. 6.

Stay of Execution Pending Appeal

505. The judge at the trial may stay the entry of judgment or the issue of execution for a period not exceeding thirty days, but this does not prevent the settlement of the judgment. R.R.O. 1970, Reg. 545, r. 505.

506.—(1) If the judgment or order appealed from awards a mandamus, or an injunction, or support under the *Family Law Reform Act* or maintenance under the *Divorce Act* (Canada), or custody of or access to children, except as otherwise provided by statute execution thereof shall not be stayed upon an appeal being set down, unless it shall be otherwise ordered by the judge appealed from or by a judge of the appellate court but in all other cases unless otherwise ordered by a judge of the appellate court, upon an appeal being set down, execution of the judgment or order appealed from shall be stayed pending the disposition of the appeal. O. Reg. 251/79, s. 1.

(2) Where leave to appeal from an interlocutory order is granted, the judge hearing the application may give directions as to staying proceedings. R.R.O. 1970, Reg. 545, r. 506 (2).

(3) A judgment or order of the Divisional Court may be stayed by a judge of the Court of Appeal upon a motion for leave to appeal being set down. O. Reg. 379/80, s. 4.

507. Where an execution has been issued and is thereafter stayed upon an appeal, the appellant is entitled to obtain a certificate from the Registrar that the execution has been stayed pending the appeal, and, upon the certificate being lodged with the sheriff, the execution shall be superseded, but the execution debtor shall pay the sheriff's fees and the sum so paid shall be allowed to him as part of the costs of the appeal. R.R.O. 1970, Reg. 545, r. 507.

508. Where the execution of a judgment is stayed pending an appeal, all further proceedings in the action, other than the issue of the judgment and the taxation of costs thereunder, shall be stayed unless otherwise ordered by a judge of the appellate court. R.R.O. 1970, Reg. 545, r. 508; O. Reg. 115/72, s. 10.

Default and Disagreement of Jury

509. Where a party does not appear at the trial, the judgment may be set aside and a new trial ordered by the judge presiding at the sittings or by any other judge. R.R.O. 1970, Reg. 545, r. 509.

510. Where the jury disagree, the action may be retried at the same sittings or at any subsequent sittings as may be directed. R.R.O. 1970, Reg. 545, r. 510.

511.—(1) Where a jury is directed to answer questions and answers some but not all, or where the answers are conflicting so that judgment cannot be entered upon such findings, the action shall be retried as in the case of a disagreement.

(2) If the answers entitle either party to judgment as to some but not all the causes of action, the judge may direct judgment to be entered on the causes of action as to which the answers are sufficient, and the issues upon the remaining causes of action shall then be retried upon a disagreement. R.R.O. 1970, Reg. 545, r. 511.

Appeals from Masters and Referees—Local Judges and Officers in Chambers

512.—(1) Every report or certificate of a master shall be filed and shall be deemed to be confirmed at the expiration of fifteen days from the date of service of notice of filing the same, unless notice of appeal is served within that time.

(2) Where notice of filing is not necessary, a report shall be confirmed fifteen days after filing. R.R.O. 1970, Reg. 545, r. 512; O. Reg. 115/72, s. 11.

513. An appeal from the report or certificate of a master or referee shall be to the court upon seven clear days' notice, and is returnable within one month from the date of service of notice of filing of the report or certificate. R.R.O. 1970, Reg. 545, r. 513.

514.—(1) Except in the case of an interim order for corollary relief under the *Divorce Act* (Canada), a person affected by an interlocutory judgment or order made by the Master, local judge, local master or other officer, may appeal therefrom to a judge. O. Reg. 115/72, s. 12, *part*; O. Reg. 520/78, s. 26.

(2) The appeal shall be by motion, on notice served within four days and returnable within ten days after the decision complained of provided that an appeal brought under rule 239 may be returnable at the next sittings of the court held pursuant to the said rule where such sittings commences more than four days after the decision appealed from, or if four days or less, at the next following sittings.

(3) The appeal is not a stay of proceedings unless ordered by a judge or by the officer whose decision is complained of. O. Reg. 115/72, s. 12, *part*.

514a. REVOKED: O. Reg. 520/78, s. 27.

515. A person affected by a final judgment or order of the Master, local judge, local master or other officer may appeal therefrom to the Divisional Court and such appeal shall be brought within the time and upon the like notice and proceedings as in cases of appeals to an appellate court. O. Reg. 115/72, s. 14.

Appeals from Taxation

516.—(1) An appeal from the report or certificate of an officer to whom the taxation of a solicitor's bill under the *Solicitors Act* has been referred lies and may be brought in the same manner as in the case of the report of a master. R.R.O. 1970, Reg. 545, r. 516 (1).

(2) In other cases, a party dissatisfied with the decision of a taxing officer upon any question of principle or as to any item respecting which objections have been duly filed, may appeal from the certificate of the taxing officer to a judge, and the practice upon the appeal shall be the same as upon an appeal from an order made by the Master. R.R.O. 1970, Reg. 545, r. 516 (2); O. Reg. 520/78, s. 28.

FORM OF JUDGMENTS AND ORDERS, ETC.

517. Judgments and orders shall be divided into convenient paragraphs, numbered consecutively. R.R.O. 1970, Reg. 545, r. 517.

518. It is not necessary in a judgment or order to reserve liberty to apply, but any party may apply to the court from time to time. R.R.O. 1970, Reg. 545, r. 518.

519.—(1) Every judgment or order shall show on its face the day of the week and month on which it was given or made, and every judgment shall also show the date upon which it was actually signed and (except judgments signed by default and *praecipe* orders) shall show the name or names of the judge or officer who gave or made it, and shall take effect from its date (Form 68). R.R.O. 1970, Reg. 545, r. 519; O. Reg. 520/78, s. 29; O. Reg. 850/79, s. 1, *part*.

(2) Every judgment providing for the payment of money on which interest is payable shall show on its face the rate of post-judgment interest thereon. O. Reg. 850/79, s. 1, *part*; O. Reg. 1030/80, s. 4.

520. An order for payment of money into court on behalf of, or as the property of, a minor shall, unless otherwise directed, state the date of the birth and the full address of the minor and shall direct that a copy thereof be served on the Official Guardian. R.R.O. 1970, Reg. 545, r. 520; O. Reg. 285/71, s. 14.

521. All judgments and orders directing payment of costs shall direct payment to the party entitled to receive it and not to his solicitor. R.R.O. 1970, Reg. 545, r. 521.

522.—(1) Every judgment and every order shall be entered at full length in the office in which the cause or matter was commenced. R.R.O. 1970, Reg. 545, r. 522 (1); O. Reg. 520/78, s. 30.

(2) Entry shall be made by,

(a) copying the order or judgment or inserting a facsimile thereof in the book kept for that purpose; or

(b) recording the order or judgment on micro-photographic film; or

(c) any other process which shall be approved by the Chief Justice of Ontario. R.R.O. 1970, Reg. 545, r. 522 (2).

523.—(1) The entering clerk shall note in the margin of the judgment or order book the day of entering, and shall at the foot of the judgment or order note the same date and a reference to the book in which the entry has been made.

(2) Where the judgment or order is recorded by photographic plate, microphotographic film or photocopy negative, the date of recording and a reference to the plate, film or negative number and to the document number shall be noted on the judgment or order before recording. R.R.O. 1970, Reg. 545, r. 523.

524.—(1) All judgments and orders of the Court of Appeal shall be entered in the Registrar's office at Toronto and, if the action was commenced elsewhere, also in the office where the action was commenced. R.R.O. 1970, Reg. 545, r. 524; O. Reg. 115/72, s. 15, *part*.

(2) All judgments and orders of the Divisional Court shall be entered in the office in which the cause or matter was commenced. O. Reg. 115/72, s. 15, *part*.

525.—(1) Any judgment in a mortgage action may direct in general terms that all necessary inquiries be made, accounts taken, costs taxed and proceedings had for redemption or foreclosure (or for redemption or sale, as the case may be) and that for these purposes the cause is referred to (*naming the Master*).

(2) Any judgment directing a sale may so direct in general terms and refer the action to the Master for that purpose.

(3) Any judgment directing partition or administration may be in general terms.

(4) Any judgment in general terms shall confer upon the Master all the powers given by these rules and all other powers necessary to enable him to carry the judgment into full effect. R.R.O. 1970, Reg. 545, r. 525.

526. Any judgment by default may be set aside on motion. R.R.O. 1970, Reg. 545, r. 526; O. Reg. 520/78, s. 31.

527. Clerical mistakes in judgments or orders or errors arising therein from any accidental slip or omission may at any time be corrected on motion. R.R.O. 1970, Reg. 545, r. 527; O. Reg. 520/78, s. 32.

528. Where a judgment or order requires amendment in any particular on which the court did not adjudicate, it may be amended on motion. R.R.O. 1970, Reg. 545, r. 528.

529. A party entitled to maintain an action for the reversal or variation of a judgment or order upon the ground of matter arising subsequent to the making thereof or subsequently discovered, or to impeach a judgment or order on the ground of fraud, or to suspend the operation of a judgment or order, or to carry a judgment or order into operation, or to any further or other relief than that originally awarded, may move in the action for the relief claimed. R.R.O. 1970, Reg. 545, r. 529.

530. Upon the production of the certificate of the Registrar of the Supreme Court of Canada upon an appeal to that court, the officer of this court with whom the judgment or order appealed from was entered shall cause the certificate of the Supreme Court of Canada to be entered, and all subsequent proceedings may be taken thereupon as if the decision had been given in this court. R.R.O. 1970, Reg. 545, r. 530.

531. Every judgment and order by which a judgment is affirmed, reversed, set aside, varied or in any way modified shall, in addition to any other entry thereof, be entered in the office where the original judgment or order was entered. R.R.O. 1970, Reg. 545, r. 531.

532. Judgments and orders pronounced in trials at Toronto shall be settled by the registrar to whom is assigned the duty of settling judgments. R.R.O. 1970, Reg. 545, r. 532.

533.—(1) Judgments in cases tried elsewhere than at Toronto shall be settled by the local registrar or other officer acting as registrar at the place of trial, unless a party affected applies to the registrar at Toronto to whom is assigned the duty of settling judgments to settle it or to reconsider the settlement of it by the local officer.

(2) When settled, the minutes may be varied by the trial judge on the application of either party. R.R.O. 1970, Reg. 545, r. 533.

534. Notice of settling minutes of a judgment or order, other than a simple judgment or order for recovery of a sum certain with or without costs or dismissing an action or motion, shall be given unless dispensed with by the officer by whom the judgment or order is to be settled, and the proposed minutes of the judgment or order shall be served or left in his office for inspection, and any party may take a copy thereof. R.R.O. 1970, Reg. 545, r. 534.

535. Where judgment may be signed upon the filing of an affidavit or production of a document, the officer shall examine the affidavit or document produced and ascertain that it is regular and sufficient. R.R.O. 1970, Reg. 545, r. 535.

536. Where a judgment or order is obtained upon a condition and the condition is not complied with, the judgment or order shall be deemed to have been waived or abandoned as far as it is beneficial to the person obtaining it, and any person interested in the

matter, on the breach or non-performance of the condition, may take such proceedings as the judgment or order in such case warrants or such proceedings as might have been taken if the judgment or order had not been made. R.R.O. 1970, Reg. 545, r. 536.

537.—(1) Every judgment shall be signed by the Registrar or by the proper officer in whose office the action was commenced. R.R.O. 1970, Reg. 545, r. 537 (1).

(2) Every judgment or order pronounced by the court shall be settled and signed by the registrar or officer attending the court at which it is pronounced, but the judge pronouncing such order may himself settle or sign it. R.R.O. 1970, Reg. 545, r. 537 (2); O. Reg. 520/78, s. 33.

(3) Every judgment or order pronounced by a local judge or a county judge, other than a judgment after trial, shall be settled and signed by the judge pronouncing it, but, where the judge who pronounced it has signed a memorandum of it, it may be settled and signed by the local registrar or clerk of the county court of the county in which it was pronounced. R.R.O. 1970, Reg. 545, r. 537 (3); O. Reg. 520/78, s. 34.

(4) Orders made by an officer shall be signed by him, but in his absence an officer having concurrent jurisdiction may sign an order that has been approved by all parties represented on the application in the name of the officer who pronounced it by subscribing on it the name of such officer and adding thereto his own signature and office preceded by the word "by". R.R.O. 1970, Reg. 545, r. 537 (4); O. Reg. 520/78, s. 35.

(5) Where an officer has ceased to hold office or become incapacitated after pronouncing judgment, the application may be heard by another officer having jurisdiction to hear such an application. R.R.O. 1970, Reg. 545, r. 537 (5); O. Reg. 520/78, s. 36.

(6) Where an officer has ceased to hold office or become incapacitated after pronouncing judgment and before signing the order, an officer having jurisdiction to make such an order may settle and sign it. R.R.O. 1970, Reg. 545, r. 537 (6); O. Reg. 520/78, s. 37.

(7) Orders made by a judge of the Court of Appeal shall be settled and signed by the Registrar or by the judge. R.R.O. 1970, Reg. 545, r. 537 (7).

538.—(1) Every judgment or order of the Divisional Court may be settled and initialled by the Registrar or by the local registrar at the place of hearing.

(2) Every other judgment or order of an appellate court shall be settled and initialled by the Registrar.

(3) Any party to the appeal who is dissatisfied with the judgment or order as settled by the Registrar

may apply on notice of motion returnable before the Chief Justice or other presiding judge of the court that heard the appeal, specifying in precise terms the alteration sought by him, and the Chief Justice or other presiding judge may hear the application or may delegate the hearing to any other member of the court who heard the appeal.

(4) The judge settling the judgment or order may refer the motion to the court. O. Reg. 115/72, s. 16.

539.—(1) In order to acknowledge satisfaction of a judgment, a satisfaction piece shall be signed and witnessed in the form provided (Form 138) and the party acknowledging shall, prior to executing the same, be advised by a solicitor entitled to practise law in Ontario of the nature and effect of the satisfaction piece (Form 138). O. Reg. 628/76, s. 15.

(2) The solicitor shall declare himself in the attestation thereto to be the solicitor for the person so signing it and state that he is witness as such solicitor, and, in cases where the satisfaction piece is signed by the personal representative of a party deceased, his representative character shall be proved by the production of the probate of the will or of the letters of administration (or a certified copy) to the officer having custody of the judgment.

(3) The satisfaction piece shall be filed in the office in which the judgment is entered, and the proper officer shall make and sign at the foot or in the margin of the satisfaction piece the following note: "This satisfaction piece has been noted and recorded this . . . day of . . . , 19".

(4) If the original judgment is produced, the proper officer shall make and sign at the foot or in the margin thereof the following note: "Satisfaction acknowledged. See satisfaction piece filed this . . . day of . . . , 19".

(5) Where the judgment has been entered in a judgment book, the proper officer shall make and sign in the margin or at the foot of the judgment as entered in the book a similar note to that set out in subrule 4.

(6) Where the judgment has been recorded by photographic plate, microphotographic film or photocopy negative, the satisfaction piece shall be recorded and appropriately indexed. R.R.O. 1970, Reg. 545, r. 539 (2-6).

ENFORCEMENT OF JUDGMENTS AND ORDERS

Generally

540. A judgment for the recovery by or payment to a person of money may be enforced by the issue of a writ of execution against the goods and chattels, lands and tenements of the debtor, but, if the amount due on the judgment is less than \$200, no execution shall issue against lands and tenements. R.R.O. 1970, Reg. 545, r. 540.

NOTE: See requirements of the *Execution Act*, R.S.O. 1980, c. 146.

541. Any judgment for the payment of money into court may be enforced in the same way as a judgment for payment to a person, and the person having the carriage of the judgment shall be deemed to be a judgment creditor for the purpose of its enforcement. R.R.O. 1970, Reg. 545, r. 541.

542. A judgment for the recovery of money on behalf of a minor, mentally incompetent person or person of unsound mind or on behalf of a class shall direct the money to be paid into court, and no payment to the guardian, next friend or committee of money of such minor, mentally incompetent person or person of unsound mind or person having the conduct of the proceedings on behalf of the class is a valid discharge as against the minor, mentally incompetent person or person of unsound mind or the class. R.R.O. 1970, Reg. 545, r. 542.

543. Every writ of execution for the levying of any money to be paid into court shall be endorsed by the officer issuing the writ with the following notice: "All Money made under this Execution is to be paid into Court by the Sheriff." R.R.O. 1970, Reg. 545, r. 543.

544. Where a party is by a judgment entitled to any relief subject to or upon the fulfilment of a condition or contingency, he may, upon the fulfilment of the condition or contingency, apply for leave to issue execution. R.R.O. 1970, Reg. 545, r. 544.

545. As between the original parties to a judgment, a writ of execution other than a writ of possession may, without leave, issue at any time within six years from the date of the judgment. R.R.O. 1970, Reg. 545, r. 545.

546. Where the six years having elapsed or where a party is entitled to execution upon a judgment of assets *in futuro* or where any change has taken place by death or otherwise in the parties entitled or liable to execution, the party alleging himself to be entitled to execution may apply to the court for leave to issue execution and, where a party against whom execution has been issued changes his name, the execution creditor, or his solicitor, may file an affidavit with the sheriff which identifies the execution debtor by new name and, upon receipt of such an affidavit the sheriff shall,

- (a) amend the writ of execution by adding thereto "also known as";
- (b) amend his index accordingly; and
- (c) where a copy of the writ has been transmitted to the land registrar under the *Land Titles Act*, he shall transmit a copy of the amended writ to that land registrar. R.R.O. 1970, Reg. 545, r. 546; O. Reg. 32/78, s. 4.

547. Every writ of execution shall be endorsed with the name and address of the solicitor issuing

it, and, if he issues it as agent for another solicitor, the name and address of such other solicitor shall also be endorsed, and where the writ is issued by a suitor in person, his name and address shall be endorsed. R.R.O. 1970, Reg. 545, r. 547.

548.—(1) Every writ of execution for the recovery of money shall be endorsed with a direction to the officer to whom it is directed to levy the money due and payable and sought to be recovered under the judgment, stating the amount, and also to levy interest thereon which, unless otherwise ordered by the court, shall be at the prime rate existing for the month preceding the month in which judgment was given, established in the same manner as provided in subsections 36 (1) and (2) of the *Judicature Act* from the time of the rendering of the verdict or of the giving of the judgment, as the case may be.

(2) Costs shall bear interest at the rate the judgment bears interest and shall be computed from the date of the judgment awarding the costs. O. Reg. 850/79, s. 2.

549. The officer issuing the writ or renewal thereof shall endorse upon it a memorandum signed by him of the amount which the party issuing it is entitled to receive for its costs, and any renewal and for any further or other writs or renewals, and no sum not so endorsed is to be collected for such costs. R.R.O. 1970, Reg. 545, r. 549.

550. Upon every execution there may be levied, in addition to the sum recovered by the judgment and interest thereon, the fees and expenses of execution. R.R.O. 1970, Reg. 545, r. 550; O. Reg. 307/72, s. 6.

551.—(1) Under an execution against one partner, partnership assets shall not be taken in execution, but an order may be made charging the partner's interest in the partnership property and profits with the payment of the amount of the executions in the sheriff's hands, and by the same or a subsequent order a receiver may be appointed of the partner's share of profits whether already declared or accruing and of any other money that may be coming to him in respect of the partnership, and the court may direct all accounts and inquiries and give all such other directions as might be directed or given as if the charge had been given by the partner.

(2) The other partners may redeem the interest charged, or in the event of a sale, may purchase the same. R.R.O. 1970, Reg. 545, r. 551.

552. The sheriff to whom a writ is directed shall keep a record of all returns thereto and renewals thereof and shall give a certificate thereof when demanded, which certificate shall be deemed a return and shall be in Form 129. R.R.O. 1970, Reg. 545, r. 552.

553.—(1) The sheriff, when required to return a writ to the court, shall file the writ or his certificate

under rule 552 in the office from which the order to return the writ was issued.

(2) When a writ has been executed or has expired the sheriff shall endorse a memorandum thereof on the writ and return it to the office from which it was issued.

(3) The officer to whom a writ is returned shall endorse thereon the day and hour when it was filed in his office.

(4) Where a writ has been withdrawn, the sheriff shall record the day and hour of such withdrawal and endorse a memorandum thereof on the writ and return it to the party who filed it or to his solicitor. R.R.O. 1970, Reg. 545, r. 553.

554. Where the party who delivered a writ or process to a sheriff to be executed, or any other person entitled to call for a return requires by a demand in writing the sheriff to return the writ, either by returning the writ to the court from which the writ issued or by granting a certificate under rule 552, the sheriff shall, within eight days, return the writ according to the terms of the requisition, and if he fails to do so the party serving the demand may apply to a judge for an order directing the sheriff to comply with such demand. R.R.O. 1970, Reg. 545, r. 554.

555. Where the sheriff is ordered to return a writ and does not make the return within the time specified in the order, the court may order the sheriff to be attached and to pay all costs consequent on his default. R.R.O. 1970, Reg. 545, r. 555.

Writs of Fieri Facias

556. Every judgment creditor is entitled immediately to issue one or more writs of *fiери facias*, but, if the judgment is for payment within a period therein mentioned, the writ shall not be issued until after the expiration of such period (Forms 115, 116 and 117). R.R.O. 1970, Reg. 545, r. 556.

557. Where goods or chattels are seized in execution under a writ of *fiери facias*, the sheriff or his officers acting for him shall, on request, deliver to the owner, his agent or servant, an inventory thereof before they are removed from the premises on which they have been so seized, and no sheriff or other officer shall sell any goods or chattels under a writ of execution until he has previously thereto forwarded a notice of the time and place of the sale to the execution creditor or his solicitor and to the said owner, his agent or servant, by registered mail to the last known address, at least eight days prior to the date of the sale, and by publishing such notice in a newspaper having a general circulation in the county or district where the goods or chattels have been seized. R.R.O. 1970, Reg. 545, r. 557.

558. Where goods are seized by a sheriff under a writ of *feri facias* and they remain unsold in his hands for want of buyers, he shall state in his return of "goods on hand for want of buyers", the time when and the place where such goods were offered for sale by him and the names of at least three persons who were present at the time of such attempted sale, if so many were present, but, if so many were not present, then the names of those who were present, if any, and that there were no others, and, if no person was present, then he shall state that fact. R.R.O. 1970, Reg. 545, r. 558.

559. Where a sheriff makes a return to a writ of *feri facias* that he has goods and chattels or lands and tenements on hand for want of buyers, the execution creditor may give written instructions to the sheriff to expose for sale or sell, or cause to be sold, the said goods or lands for the best price that can be obtained for the same and the said writ of *feri facias* shall continue in full force and effect as to any residue owing thereunder after such sale. R.R.O. 1970, Reg. 545, r. 559.

560. If the amount authorized to be made and levied under a writ of *feri facias* is made and levied thereunder out of goods and chattels, the person issuing the writ is not entitled to the expenses of any seizure or advertisement of lands thereunder, and the return to be made by the sheriff to the writ for sale of lands shall be to the effect that the amount has been so made and levied as aforesaid. R.R.O. 1970, Reg. 545, r. 560.

561. The sheriff shall not expose lands for sale under a writ of *feri facias* or sell the lands within less than twelve months from the day on which the writ is filed with him or, after a withdrawal of the writ, within less than twelve months from the day on which the writ is refiled with him. R.R.O. 1970, Reg. 545, r. 561.

562. Where a writ of *feri facias* is issued against an absconding debtor in an action in which an order for attachment has been issued, the court may order the sheriff to sell lands of the absconding debtor before the expiration of the twelve months. R.R.O. 1970, Reg. 545, r. 562.

563. A sale of lands shall not be had under any writ of *feri facias* until after a return of *nulla bona*, in whole or in part, in the same action or matter by the sheriff of the same county, or in the case of a small claims court writ of execution, a return of *nullo bona* by the bailiff of the small claims court from which it was issued. R.R.O. 1970, Reg. 545, r. 563.

564.—(1) Before the sale of lands under a writ of *feri facias*, the sheriff shall,

- (a) forward a notice to the execution creditor or his solicitor and to the execution debtor by registered mail to his last known address at least one month preceding the sale;

- (b) publish once in *The Ontario Gazette* at least one month preceding the sale and in a newspaper having a general circulation in the county or district in which the lands are situate, an advertisement of sale, at least upon one day in each week for two successive weeks, the last of such advertisements to be published not less than one week nor more than three weeks preceding the date of the sale; and

- (c) for at least one month preceding the sale put up and continue a notice of such sale in a conspicuous place in his office.

(2) Such notice and advertisement shall specify,

- (a) the property to be sold;
- (b) the name of the plaintiff and defendant;
- (c) the time and place of the intended sale; and
- (d) the name of the debtor whose interest is to be sold.

(3) Nothing herein contained shall be taken to prevent an adjournment of the sale to a future day. R.R.O. 1970, Reg. 545, r. 564.

565. The advertisement in *The Ontario Gazette* of any lands for sale under a writ of *feri facias*, during the currency of the writ shall be deemed a sufficient commencement of the execution to enable the writ to be completed by a sale and conveyance of the lands after the writ has become returnable. R.R.O. 1970, Reg. 545, r. 565.

566.—(1) A writ of *feri facias* remains in force for six years from its issue, unless renewed before its expiration, when it is in force for a further period of six years from the date of such renewal, and so on from time to time, and where the writ is filed with a sheriff, he shall send notice of such expiration by ordinary mail not less than one month nor more than two months prior to such expiration to the person who filed the writ at the last address of such person endorsed thereon.

(2) A writ which is filed with a sheriff may be renewed by filing with him before the writ expires a *praecipe* (Form 118), and the sheriff shall endorse and sign upon the writ a memorandum stating the day, month and year of such renewal, and a writ so endorsed shall be entitled to priority according to the time of the last filing thereof.

(3) A writ which is not filed with a sheriff may be renewed by filing the *praecipe* before the writ expires with the officer who issued the writ, and the officer shall make the same endorsement accordingly. R.R.O. 1970, Reg. 545, r. 566.

Writs of Possession

567.—(1) A judgment for the recovery or for the delivery of the possession of land may be enforced by writ of possession (Form 122).

(2) Unless otherwise provided by the judgment a writ of possession shall not be issued except by leave of the court obtained on an *ex parte* application and such leave shall not be given unless it is shown by affidavit that all persons in actual possession of the whole or any part of the lands and tenements have received sufficient notice of the proceedings in which such judgment was obtained to have enabled them to apply to the court for relief or otherwise.

(3) A second or subsequent writ for recovery of the same property pursuant to the judgment shall not be issued until the prior writ has been returned showing that possession has not been obtained of the whole property recoverable under the judgment. R.R.O. 1970, Reg. 545, r. 567.

568. A writ of possession remains in force for one year from the date of the judgment or order authorizing its issue, and where the writ is filed with a sheriff, no notice of its expiration need be given by him. R.R.O. 1970, Reg. 545, r. 568.

Attachment, Committal and Sequestration

569. A judgment requiring any person to do an act, other than the payment of money, or to abstain from doing anything, may be enforced by attachment or by committal (Form 125). R.R.O. 1970, Reg. 545, r. 569.

570. A writ of attachment shall not be issued without the leave of the court or a judge, on notice to the person against whom the attachment is to be issued. R.R.O. 1970, Reg. 545, r. 570.

571. Where a person is taken or detained in custody under a writ of attachment, without obeying the judgment, then, upon the sheriff's return that the person has been so taken or detained, the party prosecuting the judgment is entitled upon motion to a writ of sequestration against the estate and effects of the disobedient person. R.R.O. 1970, Reg. 545, r. 571.

572. If an attachment cannot be executed against the person refusing or neglecting to obey the judgment by reason of his being out of the jurisdiction of the court or of his having absconded or that with due diligence he cannot be found or if in any other case the court thinks proper to dispense with a writ of attachment, an order may be granted for a writ of sequestration against the estate and effects of the disobedient person, and it is not necessary for that purpose to issue an attachment. R.R.O. 1970, Reg. 545, r. 572.

573. If a person who is ordered to pay money neglects to obey the judgment, the court may, upon the application of the party prosecuting the

judgment, at the expiration of the time limited for performance, make an order for a writ of sequestration (Form 126). R.R.O. 1970, Reg. 545, r. 573.

574. A writ of sequestration shall be directed to the sheriff, unless otherwise ordered. R.R.O. 1970, Reg. 545, r. 574.

575. Where a person has been committed to jail for contempt of court, there to be detained and imprisoned until he has purged his contempt, if it be made to appear that he is in actual custody under such committal, the court may modify the order and limit the term of imprisonment or grant such other relief as in the nature and circumstances of the case seems just, but any relief that may be granted to any such person does not relieve him from any civil liability. R.R.O. 1970, Reg. 545, r. 575.

576. Any judgment against a corporation wilfully disobeyed may be enforced by sequestration against the corporation or by attachment against the directors or other officers of the corporation. R.R.O. 1970, Reg. 545, r. 576.

577. Any corporation or individual disobeying a judgment or guilty of any other contempt of court may be fined and such fine may be in lieu of or addition to punishment by attachment, committal or sequestration. R.R.O. 1970, Reg. 545, r. 577.

578. Any person not a party against whom obedience to a judgment may be enforced is liable to the same process and punishment as if he were a party. R.R.O. 1970, Reg. 545, r. 578.

579. If a *mandamus* granted in an action or otherwise, or a mandatory order, injunction or judgment for specific performance of a contract, is not complied with, the court, besides or instead of proceeding against the disobedient party for contempt, may direct that the act required to be done may be done so far as practicable by the party by whom the judgment has been obtained, or some other person appointed by the court, at the cost of the disobedient party, and, upon the act being done, the expenses incurred may be ascertained in such manner as the court directs, and execution may issue for the amount so ascertained and for costs. R.R.O. 1970, Reg. 545, r. 579.

Writs of Delivery

580.—(1) Where a judgment directs the recovery of specific goods, chattels, deeds, securities, documents or any property other than land or money, a writ of delivery may issue directing the sheriff to cause such goods or property to be delivered up in accordance with the judgment (Form 123).

(2) If the goods and property are not delivered up by the judgment debtor and cannot be found and taken by the sheriff, the judgment creditor may apply for an order directing the sheriff to take goods

and chattels of the judgment debtor to double the value of the property in question to be kept until the further order of the court to enforce obedience to the judgment.

(3) By leave of the court, such judgment may also be enforced by attachment, committal or sequestration. R.R.O. 1970, Reg. 545, r. 580.

581. REVOKED. O. Reg. 216/78, s. 17.

582. REVOKED. O. Reg. 242/67, s. 18.

583. REVOKED. O. Reg. 242/67, s. 18.

584. REVOKED. O. Reg. 242/67, s. 18.

585. REVOKED. O. Reg. 242/67, s. 18.

586. REVOKED. O. Reg. 242/67, s. 18.

EXAMINATION OF JUDGMENT DEBTORS

587.—(1) A judgment creditor may, without an order, examine the judgment debtor upon oath annually before, the proper officer of the county in which he resides touching his estate and effects and as to the property and means he had when the debt or liability that was the subject of the cause or matter in which judgment has been obtained against him was incurred, or, in the case of a judgment for costs only, at the time of the commencement of the cause or matter, and as to the property and means he still has of discharging the judgment, and as to the disposal he has made of any property since contracting such debt or incurring such liability, or, in the case of a judgment for costs only, since the commencement of the cause or matter, and as to any and what debts are owing to him.

(2) No further examination shall be had without an order until the expiration of one year from the close of the preceding examination. R.R.O. 1970, Reg. 545, r. 587.

588. Where the judgment is against a corporation, the judgment creditor may in like manner examine any of the officers of the corporation touching the names and residences of the stockholders in the corporation, the amount and particulars of stock held or owned by each stockholder and the amount paid thereon, and as to what debts are owing to the corporation, and as to the estate and effects of the corporation, and as to the disposal made by it of any property since contracting the debt or liability in respect of which the judgment was obtained, or, in the case of a judgment for costs only, since the commencement of the cause or matter. R.R.O. 1970, Reg. 545, r. 588.

589. The court may order any clerk or employee or former clerk or employee of the judgment debtor, or any person or the officer or officers of any corporation to whom the debtor has made a transfer of

his property or effects, exigible under execution, since the date when the liability or debt that was the subject of the action in which judgment was obtained was incurred, or, where the judgment is for costs only, since the commencement of the cause or matter, to submit to being examined upon oath as to the estate and effects of the debtor, and as to the property and means he had when the debt or liability aforesaid was incurred, or, in the case of a judgment for costs only, at the date of the commencement of the cause or matter, and as to the property or means he still has of discharging the judgment, and as to the disposal he has made of any property since contracting the debt or incurring the liability, and as to any and what debts are owing to him. R.R.O. 1970, Reg. 545, r. 589.

590. Where the court is satisfied that there is reasonable ground for supposing that a person or corporation is in possession of any property of the judgment debtor exigible under execution, it may order such person or any officer of the corporation to attend and submit to examination touching the property and means of the judgment debtor. R.R.O. 1970, Reg. 545, r. 590.

591. Where a difficulty arises in or about the execution or enforcement of a judgment, the court may make such order for the attendance and examination of any party or person as seems just. R.R.O. 1970, Reg. 545, r. 591.

592. A person liable to be examined under the preceding rules may be compelled to attend and testify, and to produce books and documents, in the same manner and subject to the same rules of examination, and the same consequences of neglecting to attend or refusing to disclose the matters in respect of which he may be examined, as in the case of a witness. R.R.O. 1970, Reg. 545, r. 592.

593. A person liable to be examined as a judgment debtor or as an officer of a corporation that is a judgment debtor need not be served with a subpoena, but may be served with an appointment, signed by the officer before whom he is to be examined, at least forty-eight hours before the time fixed for his examination. R.R.O. 1970, Reg. 545, r. 593; O. Reg. 569/75, s. 5; O. Reg. 628/76, s. 16.

594. Where the judgment debtor does not attend, does not allege a sufficient excuse for not attending, or, if attending, refuses to disclose his property or his transactions, or does not make satisfactory answers respecting the same, or, if it appears from such examination that he has concealed or made away with his property in order to defeat or defraud his creditors or any of them, the court may order the debtor to be committed to the common jail of the county or district in which he resides for a term of not more than twelve months, or that a writ of *capias ad satisfaciendum* may be issued against the debtor, or, in case the debtor is at large upon bail, may make an order for his committal to close custody, and the sheriff, on due notice of the order, shall forthwith take the

debtor and commit him to close custody until he obtains an order allowing him to go out of close custody, on giving the necessary bond in that behalf, or until he is otherwise discharged in due course of law. R.R.O. 1970, Reg. 545, r. 594.

595. Where an officer of a corporation or other person liable to be examined does not attend and does not show a sufficient excuse for not attending, or, if attending, refuses to disclose any of the matters in respect of which he may be examined, the court may order him to be committed to the common jail of the county or district in which he resides for a term of not more than six months. R.R.O. 1970, Reg. 545, r. 595.

596. Where a person has been committed to jail, the court may limit the term of imprisonment or grant such other relief as seems just, but the order does not relieve such person from any civil liability to any other person. R.R.O. 1970, Reg. 545, r. 596.

GARNISHMENT PROCEEDINGS

597.—(1) The court, upon the *ex parte* application of the judgment creditor, upon affidavit stating that the judgment is unsatisfied and,

- (a) that some person within Ontario is indebted to the judgment debtor; or
- (b) that some person not within Ontario is indebted to the judgment debtor and that the debt to be attached is one for which such person might be sued in Ontario by the judgment debtor,

may order that all debts owing or accruing from such third person (hereinafter called the garnishee) to the judgment debtor, shall be attached to answer the judgment debt and that the garnishee do at a time named show cause why he should not pay the judgment creditor the debt due from the garnishee to the judgment debtor or so much thereof as is sufficient to satisfy the judgment debt and the claims of any other execution creditors and notice of the application to pay over shall, unless dispensed with, be given to the judgment debtor (Form 78).

(2) Where the garnishee is not within Ontario and is neither a British subject nor in British dominions, notice of the order and not the order itself shall be served (Form 79).

(3) Where a debt owing from a firm carrying on business within Ontario, but having members out of Ontario, is attached, service may be effected upon any person having control or management of the partnership business or any member of the firm within Ontario. R.R.O. 1970, Reg. 545, r. 597.

598. The garnishee shall be deemed to be indebted, although any debt sought to be attached has been assigned, charged or encumbered by the judgment debtor, if the assignment, charge or encumbrance is

fraudulent as against creditors or is otherwise impeachable by them. R.R.O. 1970, Reg. 545, r. 598.

599. The order from the time of service binds the debts attached. R.R.O. 1970, Reg. 545, r. 599.

600. If the garnishee admits his liability, he may pay the amount admitted into court, less \$3 for his costs of paying in, and give notice of such payment to the judgment creditor. R.R.O. 1970, Reg. 545, r. 600.

601.—(1) If the garnishee does not pay into court the amount due from him to the judgment debtor and does not dispute the debt due or claimed to be due from him to the judgment debtor, or, if he does not appear upon notice to him, then the court may order payment into court of the debt (Form 80).

(2) If the debt is not payable at the time of the attachment, an order may be made for the payment thereon when it becomes payable. R.R.O. 1970, Reg. 545, r. 601.

602. If the garnishee disputes his liability, the court may determine the dispute in a summary way or may order that an issue be tried in such manner as is directed. R.R.O. 1970, Reg. 545, r. 602.

603.—(1) Where a garnishee has notice of an assignment of the debt or of a claim thereto or charge thereon, he shall give notice thereof, and the court may order the assignee or the claimant to appear and state the nature and particulars of his claim.

(2) After hearing the allegations of such third person and of any other person who by the same or a subsequent order may be ordered to appear, or in the case of such third person not appearing when ordered, the court may order payment of the amount due from the garnishee, or may order an issue to be tried, or may bar the claim of the third person, or may make such other order as seems just. R.R.O. 1970, Reg. 545, r. 603.

604. Where the debt claimed to be due or accruing from a garnishee is of an amount recoverable in a county court, the order to show cause shall require the garnishee to appear before the judge of the county court of the county within which the garnishee resides, on a day and at a place within his county to be appointed by such judge, and the garnishee shall be served with notice of the day and place appointed and all subsequent proceedings shall then be taken and carried on before such judge. R.R.O. 1970, Reg. 545, r. 604.

605.—(1) Where the debt claimed to be due or accruing from a garnishee is of an amount recoverable in a small claims court, the order to show cause shall require the garnishee to appear before the judge of the small claims court within whose jurisdiction the garnishee resides, on a day to be appointed in writing by such judge, and the garnishee shall be served with notice of the day appointed.

(2) The proceedings shall thereafter be carried on before the judge as though the garnishment summons had been issued out of the small claims court, and all proceedings may thereafter be carried on in the small claims court, and execution may be issued in the small claims court to enforce any order or judgment made. R.R.O. 1970, Reg. 545, r. 605.

606. Payment into court or under an order by the garnishee is a valid discharge to him as against the judgment debtor or any assignee or claimant of whose claim he has given notice and who has been called upon to show cause under the preceding rules. R.R.O. 1970, Reg. 545, r. 606.

ORIGINATING NOTICES

607. The executors or administrators of a deceased person or any of them, and the trustees under any deed or instrument or any of them, or any person claiming to be interested in the relief sought as creditor, devisee, legatee, next of kin or heir at law of a deceased person, or as *cestui que trust* under the trusts of any deed or instrument, or as claiming by assignment or otherwise under any such creditor or other person as aforesaid, may apply by originating notice for the determination without an administration of the estate or trust of any of the following questions or matters:

1. Any question affecting the rights or interests of the person claiming to be creditor, devisee, legatee, next of kin or heir at law, or *cestui que trust*.
2. The ascertainment of any class of creditors, legatees, devisees, next of kin or others.
3. The furnishing of any particular accounts by the executors or administrators or trustees and the vouching (where necessary) of such accounts.
4. The payment into court of any money in the hands of the executors or administrators or trustees.
5. Directing the executors or administrators or trustees to do or abstain from doing any particular act in their character as such executors or administrators or trustees.
6. The approval of any sale, purchase, compromise or other transaction.
7. The opinion, advice or direction of a judge pursuant to the *Trustee Act*.
8. The approval of an arrangement under the *Variation of Trusts Act*.
9. The determination of any question arising in the administration of the estate or trust.

10. The fixing of the compensation of any executor, administrator or trustee. R.R.O. 1970, Reg. 545, r. 607.

608.—(1) The persons to be served with notice under rule 607 in the first instance are as follows:

1. Where the notice is served by an executor or administrator or trustee,
 - i. for the determination of any question under paragraph 1, 5, 6, 7, 9 or 10 of rule 607, the persons or one of the persons whose rights or interests are sought to be affected,
 - ii. for the determination of any question under paragraph 2 of rule 607, any member or alleged member of the class,
 - iii. for the determination of any question under paragraph 3 of rule 607, any person interested in taking such accounts,
 - iv. for the determination of any question under paragraph 4 of rule 607, and person interested in the money,
 - v. if there is more than one executor or administrator or trustee and they do not all concur in the application, service of the notice shall be upon those who do not concur.
2. Where the notice is served by a person other than the executors, administrators or trustees, it shall be served upon the executors, administrators or trustees and upon one or more of the persons interested adversely to the applicant.
3. In any proceedings under the *Variation of Trusts Act*,
 - i. the Official Guardian,
 - ii. the persons or one of the persons whose rights or interests are sought to be affected.

(2) The judge before whom the motion is returnable may direct such other person to be served as he deems proper. R.R.O. 1970, Reg. 545, r. 608.

609. When upon an originating notice under the *Vendors and Purchasers Act* it appears that some third person is or may be interested in the question raised, the court may require notice to be given to such person so that the question may be determined not only as between the vendor and purchaser, but so as to bind such third person. R.R.O. 1970, Reg. 545, r. 609.

610.—(1) Where any person claims to be the owner of land, but does not desire to have his title thereto quieted under the *Quieting Titles Act*, he may have any particular question that would arise upon an application to have his title quieted determined upon an originating notice.

(2) Notice shall be given to all persons to whom notice would be given under the *Quieting Titles Act*, and the court has the same power finally to dispose of and determine such particular question as it would have under that Act, but this does not render it necessary to give the notice required by rule 712. R.R.O. 1970, Reg. 545, r. 610.

611. Where the rights of a person depend upon the construction of a deed, will or other instrument, he may apply by originating notice, upon notice to all persons concerned, to have his rights declared and determined. R.R.O. 1970, Reg. 545, r. 611.

612.—(1) Where the rights of the parties depend,

- (a) upon the construction of a contract or agreement and there are no material facts in dispute; or
- (b) upon undisputed facts and the proper inference from such facts,

such rights may be determined upon originating notice.

(2) A contract or agreement may be construed before there has been a breach thereof. R.R.O. 1970, Reg. 545, r. 612.

613.—(1) The judge may summarily dispose of the questions arising on an originating notice and give such judgment as the nature of the case requires, or may give such directions as he thinks proper for the trial of any questions arising upon the application.

(2) Any special directions touching the carriage or execution of the judgment or order or the service thereof upon persons not parties may be given as are deemed proper. R.R.O. 1970, Reg. 545, r. 613.

614. Service of an originating notice does not interfere with or control any power or discretion vested in any executor, administrator or trustee, except so far as such interference or control may necessarily be involved in the particular relief sought. R.R.O. 1970, Reg. 545, r. 614.

ADMINISTRATION, PARTITION AND MINORS' ESTATES

Administration

615. Any person claiming to be a creditor, or a specific, pecuniary, or residuary legatee, or the next of kin, or one of the next of kin, or the heir, or a devisee interested under the will of a deceased person, may apply by originating notice for the

administration of the estate, real or personal, of such deceased person (Form 106). R.R.O. 1970, Reg. 545, r. 615.

616. A judgment for the administration of an estate in which a minor or a mentally incompetent person who has no committee except the Public Trustee is interested shall not be made unless the minor or mentally incompetent person is made a party defendant and notice is given to the Official Guardian, and notice of such application shall, unless otherwise ordered, also be given to such mentally incompetent person. R.R.O. 1970, Reg. 545, r. 616.

617. An executor or administrator may, upon summary application, obtain a judgment for administration. R.R.O. 1970, Reg. 545, r. 617.

618.—(1) Where judgment for administration is granted, the Minister to whom the matter is referred shall proceed to administer the estate in the most expeditious and least expensive manner, and in doing so shall, without special direction, take,

- (a) an account of the personal estate of the deceased that has come to the hands of his executor or administrator;
- (b) an account of his debts;
- (c) an account of his funeral expenses;
- (d) an account of the testator's legacies;
- (e) an inquiry as to what parts, if any, of the real and personal estate are outstanding or disposed of;
- (f) an inquiry as to what real estate the deceased was seised of, or entitled to, at the time of his death;
- (g) an inquiry as to what encumbrances affect the real estate;
- (h) an account of the rents and profits of the real estate received by any party since the death;
- (i) an account of what is due to such of the encumbrancers as consent to sale in respect of their encumbrances;
- (j) an inquiry as to what are the priorities of such last-mentioned encumbrances.

(2) The Master shall, under any such reference, have power to deal with both the real and personal estate, including the power to give all necessary directions for its realization, and shall finally wind up all matters connected with the estate, without any further directions, and without any separate interim or interlocutory reports or orders, except where the special circumstances of the case absolutely call therefor.

(3) All money realized from the estate shall forthwith be paid into court, and no money shall be distributed or paid out for costs or otherwise without an order of a judge, and, on the application for an order for distribution, the judge may review, amend or refer back the report, or make such other order as seems just. R.R.O. 1970, Reg. 545, r. 618.

619. It is not obligatory on the court to pronounce or make a judgment or order for the administration of any trust or of the estate of any deceased person, if the questions between the parties can be properly determined without such judgment or order. R.R.O. 1970, Reg. 545, r. 619.

620. In any action or proceeding for the administration or execution of trusts by a creditor or beneficiary under a will, intestacy or instrument of trust, where no accounts or insufficient accounts have been rendered, the court may, instead of pronouncing judgment for administration,

(a) order that the executors, administrators or trustees render to the plaintiff or applicant a proper statement of their accounts with an intimation that if it is not done they may be made to pay the costs of the proceedings, and may direct the action or proceeding to be stayed or to stand over in the meantime, as seems just;

(b) make the usual judgment for administration with a provision that no proceedings are to be taken thereunder without the leave of the court and such judgment shall prevent proceedings being taken by any creditor or beneficiary without first obtaining leave. R.R.O. 1970, Reg. 545, r. 620.

621. Special directions touching the carriage or execution of the judgment may be given as are deemed expedient, and, in the case of applications by two or more persons or classes of persons, judgment may be granted to one or more of the claimants as seems just, and the carriage of the judgment may be subsequently given to other persons interested. R.R.O. 1970, Reg. 545, r. 621.

Partition

622.—(1) An adult person entitled to compel partition of land or any estate or interest therein may, by originating notice served on one or more of the persons entitled to a share therein, apply for partition or sale (Form 107).

(2) Where a minor or a mentally incompetent person who has no committee except the Public Trustee is interested, he shall be made a party defendant before judgment, and notice shall be given to the Official Guardian and notice of such applica-

tion shall, unless otherwise ordered, also be given to the mentally incompetent person.

(3) The Master shall proceed in the least expensive and most expeditious manner for partition or sale, the adding of parties, the ascertainment of the rights of the various persons interested, the taxation and payment of costs, and otherwise.

(4) All moneys realized shall forthwith be paid into court, and no moneys shall be distributed or paid out for costs or otherwise, without an order of a judge, and, on the application for an order for distribution, the judge may review, amend or refer back to the Master his report or make such other order as seems just. R.R.O. 1970, Reg. 545, r. 622.

623. An application for partition on behalf of a minor by his guardian or next friend may be made with the sanction of a judge to be first obtained upon notice to the Official Guardian. R.R.O. 1970, Reg. 545, r. 623.

624. REVOKED: O. Reg. 216/78, s. 18.

Minors' Estates

625. All applications for the sale, mortgage, lease or other disposition of a minor's estate shall be made to a judge upon notice to the Official Guardian. R.R.O. 1970, Reg. 545, r. 625.

626.—(1) The affidavits filed shall state the nature and amount of the personal property to which the minor is entitled, the necessity of resorting to the real estate, its nature, value, and the annual profits thereof and the occupation of the lands to be disposed of, and shall state specifically the relief desired and circumstances sufficient to justify the order sought.

(2) If an allowance for maintenance is desired, a case shall also be stated and made to justify such an order and to regulate the amount.

(3) If the appointment of a guardian is desired, a case shall be stated and made for the appointment of the person proposed. R.R.O. 1970, Reg. 545, r. 626.

627.—(1) The consent of all minors over sixteen years of age shall be filed, verified by an affidavit of a solicitor stating that the consent was read over by him to the minor and fully explained to and apparently understood by the minor.

(2) When so directed by the judge, the minor shall be produced before him or before a master and shall be examined apart as to his consent.

(3) Where the minor is out of Ontario, the judge may direct inquiry as to the minor's consent in such manner as seems proper. R.R.O. 1970, Reg. 545, r. 627.

628. Witnesses in support of the application may be examined *viva voce* before the judge making the order or before a master. R.R.O. 1970, Reg. 545, r. 628.

APPLICATIONS FOR JUDICIAL REVIEW

629.—(1) Applications for judicial review under the *Judicial Review Procedure Act*, may be granted upon a summary application by originating notice to the Divisional Court or, with leave, to a judge. O. Reg. 115/72, s. 17, *part*; O. Reg. 520/78, s. 38.

(2) A judge may adjourn for consideration by the Divisional Court any application for judicial review under the *Judicial Review Procedures Act*. O. Reg. 115/72, s. 17, *part*; O. Reg. 520/78, s. 39.

630. REVOKED. O. Reg. 115/72, s. 18.

631. The court may require notice to be given to any person claiming any right or interest in the subject-matter of the application. R.R.O. 1970, Reg. 545, r. 631.

INTERPLEADER

632. Relief by way of interpleader may be granted,

- (a) where the person seeking relief (hereinafter called the applicant) is under liability for any debt, money, goods or chattels, for or in respect of which he is, or expects to be, sued by two or more persons (hereinafter called the claimants) making adverse claim thereto; or
- (b) where the applicant is a sheriff and claim is made to any money, goods or chattels, lands or tenements, taken or intended to be taken in execution under a writ of execution, or to the proceeds or value thereof, by any person other than the person against whom the process issued. R.R.O. 1970, Reg. 545, r. 632.

633. The applicant shall satisfy the court by affidavit or otherwise,

- (a) that he claims no interest in the subject-matter in dispute, other than in respect of a lien or for charges or costs;
- (b) that he does not collude with any of the claimants; and
- (c) that he is willing to pay or transfer the subject-matter into court, or to dispose of it as the courts directs. R.R.O. 1970, Reg. 545, r. 633.

634. The applicant is not disentitled to relief by reason only that the titles of the claimants have not a common origin, but are adverse to and independent of one another. R.R.O. 1970, Reg. 545, r. 634.

635. Where the applicant is a defendant, application for relief may be made at any time after service of the writ of summons, and the court may stay all proceedings in the action. R.R.O. 1970, Reg. 545, r. 635.

636. The applicant may make a motion calling on the claimants to appear and state the nature and particulars of their claims, and either to maintain or relinquish them. R.R.O. 1970, Reg. 545, r. 636.

637. Where a claimant does not appear on the motion after having been served with a notice of motion calling on him to appear and maintain or relinquish his claim, or, having appeared, neglects or refuses to comply with any order made there-after, an order may be made declaring him and all persons claiming under him to be forever barred as against the applicant and all persons claiming under him, but the order does not affect the rights of the claimants as among themselves (Form 81). R.R.O. 1970, Reg. 545, r. 637.

638. Where the claimants appear on the motion, any claimant may be made a defendant in any action already commenced in respect of the subject-matter in dispute in lieu of or in addition to the applicant, or an issue between the claimants may be stated and tried, and in the latter case the order shall direct which of the claimants is to be plaintiff and which the defendant (Forms 82 and 83). R.R.O. 1970, Reg. 545, r. 638.

639. The court may, with the consent of both claimants, or on the request of any claimant, if, having regard to the value of the subject-matter in dispute, it seems desirable so to do, dispose of the merits of their claims, and, subject to appeal, decide the same in a summary manner (Form 84). R.R.O. 1970, Reg. 545, r. 639.

640. Where the question is one of law and the facts are not in dispute, the court may decide the question without directing the trial of an issue, or may order that a special case be stated for the opinion of the court. R.R.O. 1970, Reg. 545, r. 640.

641. Where goods or chattels have been seized in execution by a sheriff, and any claimant alleges that he is entitled, under a bill of sale or otherwise, to the goods or chattels by way of security for debt, the court may order a sale, and direct the application of the proceeds of the sale in discharge of the amount due the claimant if it is not disputed, or that sufficient to answer the claim be paid into court pending trial of the claim. R.R.O. 1970, Reg. 545, r. 641.

642. Where a sheriff applies for relief by interpleader and any execution creditor declines to join in contesting the claim of the adverse claimant, the court may direct that such creditor be excluded

from any benefit that may be derived from the contestation of the claim. R.R.O. 1970, Reg. 545, r. 642.

643. The court that tries the issue may finally dispose of the interpleader proceedings, including all costs not otherwise provided for. R.R.O. 1970, Reg. 545, r. 643.

644. When a sheriff finds property in the possession of a debtor against whose property he has a writ or other process in his hands, and a claim is set up to such property by or on behalf of a third person who is out of possession or is in joint possession with the debtor, the claim of such third person shall be made in writing, and upon receipt thereof the sheriff shall forthwith give notice thereof to the execution creditor, and the execution creditor shall, within seven days thereafter, give notice to the sheriff that he admits or disputes the claim, and, if the execution creditor admits the title of the claimant and gives notice as directed by this rule, he is only liable to the sheriff for fees and expenses incurred before the receipt of the notice admitting the claim, and no action shall be brought against the sheriff in respect of the seizure of the property. R.R.O. 1970, Reg. 545, r. 644.

645. Where the execution creditor does not in due time admit or dispute the title of the claimant to the property and the claimant does not withdraw his claim thereto by notice in writing to the sheriff, the sheriff may apply for relief by interpleader. R.R.O. 1970, Reg. 545, r. 645.

646. Where a sheriff has more than one writ of execution against the same property or there is more than one claimant to goods seized under the execution, he shall make one application and make all the execution creditors and claimants parties. R.R.O. 1970, Reg. 545, r. 646.

647. Where there is an execution from the Supreme Court, the application for interpleader shall be made in the Supreme Court notwithstanding that other executions in the sheriff's hands have issued from county or small claims courts. R.R.O. 1970, Reg. 545, r. 647; O. Reg. 761/73, s. 1.

648.—(1) Where an issue is directed to be tried, the costs of the sheriff incurred in consequence of the adverse claim are a first lien or charge upon the moneys or goods that may be found in the issue to be applicable upon the execution.

(2) The sheriff may also tax such costs, and serve a copy of the certificate of taxation upon each of the parties to the issue, and the successful party upon the issue shall tax such costs as part of his costs of the cause, and upon receipt of the costs shall pay them over to the sheriff.

(3) Where after the service of the certificate the party succeeding upon the issue neglects or

refuses to tax such costs, the sheriff may obtain an order that the successful party pay them.

(4) Where the proceedings are compromised between the parties thereto, the costs of the sheriff shall be paid by the party by whom the execution was issued. R.R.O. 1970, Reg. 545, r. 648.

649. Where, after the seizure, an issue is directed, and the property seized remains, pending the trial of the issue, in the custody of the sheriff who seized the property, the court may make an order for the payment to the sheriff of a reasonable sum for his trouble in and about the custody of the property, and the sheriff has a lien upon the property for payment of the same in the event that the property is held to be exigible against the claimant. R.R.O. 1970, Reg. 545, r. 649.

650. The court may make all such orders respecting the satisfaction or payment of any lien or charges of the applicant as are just and reasonable. R.R.O. 1970, Reg. 545, r. 650.

651.—(1) Relief by interpleader may be granted in a county court,

(a) where the applicant is sued in the county court; or

(b) where the applicant is not so sued and the debt, money, goods or chattels in question do not exceed in value \$7500. R.R.O. 1970, Reg. 545, r. 651 (1); O. Reg. 492/74, s. 6.

(2) Where the applicant is a sheriff acting under a writ or writs of execution issued from a county court or different county courts, the application may be made to the judge of his own county. R.R.O. 1970, Reg. 545, r. 651 (2).

652. All subsequent proceedings shall be had and taken in the county where the application is made, but the judge to whom the application is made may order that the subsequent proceedings be had and taken in any other county if that course seems just and more convenient. R.R.O. 1970, Reg. 545, r. 652.

653. Where the amount claimed under or by virtue of writs of execution in the sheriff's hands does not exceed the sum of \$1200, exclusive of interest and sheriff's costs, or when the goods seized are not, in the opinion of the judge or other person making the order, of the value of more than \$400, the issue may be directed to be tried in a county court, and in such case all subsequent proceedings shall be had and taken in the county court. R.R.O. 1970, Reg. 545, r. 653.

654. Where the amount of the execution or the value of the goods does not exceed \$200, the issue may be directed to be tried in a small claims court, and thereafter all proceedings shall be carried on in such court. R.R.O. 1970, Reg. 545, r. 654.

655. Where money has been paid into court and an issue has been directed to be tried in the county or small claims court, the money shall be paid out upon the order of the county or small claims court. R.R.O. 1970, Reg. 545, r. 655.

COSTS

656. Where an action of the proper competence of a county court is brought in the Supreme Court, or an action of the proper competence of a small claims court is brought in the Supreme Court or in a county court, and the trial judge makes no order to the contrary, the plaintiff shall not recover any costs. R.R.O. 1970, Reg. 545, r. 656.

657. Where judgment is entered for default and the action is within the jurisdiction of an inferior court, the taxation shall be on the scale of fees in such court. R.R.O. 1970, Reg. 545, r. 657.

658. The Taxing Officer may make all inquiries necessary to determine whether an action is within the competence of an inferior court. R.R.O. 1970, Reg. 545, r. 658.

659. A judgment or order may direct payment of a sum in gross in lieu of taxed costs. R.R.O. 1970, Reg. 545, r. 659 (1).

660.—(1) In actions or proceedings for administration or partition, or administration and partition, unless otherwise ordered by a judge, instead of the costs being allowed according to the tariff, each person properly represented by a solicitor and entitled to costs out of the estate, other than creditors not parties to the action or proceeding, is entitled to his actual disbursements in the action or proceeding, not including counsel fees, and there shall be allowed for the other costs of the suit payable out of the estate a commission on the amount realized or on the value of the property partitioned, which commission shall be apportioned among the persons entitled to costs, as seems just.

(2) Subject to such increase or decrease upon the recommendation of the Master as is approved by a judge on the confirmation of the Master's report, the commission referred to in subrule (1) shall be as follows:

On the first \$1,000.....	15 per cent
On every \$100 over \$1,000 and up to \$2,500	5 " "
On every additional \$100 over \$2,500 and up to \$5,000	4 " "
On every additional \$100 over \$5,000 and up to \$10,000	3 " "
On every additional \$1,000 over \$10,000 and up to \$15,000	2 " "

On every additional \$1,000 over \$15,000	1 per cent,
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and such remuneration shall be in lieu of all fees whether between party and party or between solicitor and client and, on the application for confirmation of the Master's report, the judge may direct that the amount of such commission be varied or be taxed.

(3) Where an order or judgment in any such action or proceeding by any form or words directs that the costs thereof be taxed, it shall be taken to mean the allowance of commission and disbursements, in accordance with subrules (1) and (2), unless it is otherwise expressly provided. R.R.O. 1970, Reg. 545, r. 660.

661. REVOKED: O. Reg. 990/76, s. 7.

662. Where the Official Guardian or other guardian of a minor or mentally incompetent person is entitled to costs, the court may order a successful party to pay such costs and add them to his own. R.R.O. 1970, Reg. 545, r. 662.

663. Where several actions are brought on one bond, recognizance, promissory note, bill of exchange or other instrument, or where several actions are brought against the maker and endorser of a note or against the drawer, acceptor or endorser of a bill of exchange, there shall be collected or recovered the costs taxed in one action only, at the election of the plaintiff, and the actual disbursements only in the other actions, unless the court otherwise orders, but this provision does not extend to any interlocutory costs. R.R.O. 1970, Reg. 545, r. 663.

664. Where any one of the persons constituting a class formed by a master for representation in his office by one solicitor insists on being represented by a different solicitor, he shall pay the costs of his own solicitor and all such further costs as are occasioned to any of the parties by this being represented by a different solicitor from the solicitor so nominated. R.R.O. 1970, Reg. 545, r. 664.

665. No *ex parte* order in an action shall contain any direction as to costs, but the costs of any such motion shall be dealt with the Taxing Officer. R.R.O. 1970, Reg. 545, r. 665.

666. Costs claimed upon a specially endorsed writ may be taxed although paid, and, if more than one-sixth be taxed off, the plaintiff's solicitor shall bear the cost of taxation. R.R.O. 1970, Reg. 545, r. 666.

667.—(1) Unless otherwise ordered, if a party who serves a notice of motion, including a notice of appeal to an appellate court does not set the motion down he shall be deemed to have abandoned it and any party upon whom the notice of motion has been served is thereupon entitled without an order to the costs of the motion.

(2) A party who serves a notice of motion may countermand it by notice served on the opposite party who is thereupon entitled to the costs of the motion.

(3) In either of such cases, the costs may be taxed without an order, upon the production of the notice of motion served, with an affidavit that the motion was not set down, or of the notice of countermand served, and, if the costs are not paid within four days from taxation, the party entitled thereto may issue an execution therefor. O. Reg. 115/72, s. 19.

668.—(1) Where costs are ordered to be paid, they may be taxed by the local taxing officer where the proceedings were begun or, at the election of any party to the proceedings, by the Taxing Officer at Toronto. O. Reg. 990/76, s. 8.

(2) On the signing of default judgment, the officer signing judgment may fix and ascertain costs without taxation.

(3) The officer taking an account in a mortgage action may tax costs. R.R.O. 1970, Reg. 545, r. 668 (2, 3).

669. Where a notice of taxation is necessary, one day's notice is sufficient if served with a copy of the bill of costs and affidavit of disbursements. R.R.O. 1970, Reg. 545, r. 669.

670. The Taxing Officer may direct what parties are to attend before him on the taxation of costs to be borne by a fund or estate, and he may disallow the costs of any person whose attendance he considers unnecessary in consequence of the interest of such party in the fund or estate being small or remote or sufficiently protected by other parties interested. R.R.O. 1970, Reg. 545, r. 670.

671. Where a party entitled to costs refuses or neglects to bring in his bill of costs for taxation or to procure the bill to be taxed and thereby prejudices any other party, the Taxing Officer shall certify the costs of the other parties and certify such refusal or neglect, or may allow such party refusing or neglecting a nominal or other sum for such costs, so as to prevent any other party being prejudiced by such refusal or neglect. R.R.O. 1970, Reg. 545, r. 671.

672. Where a party entitled to receive costs is liable to pay costs to any other party, the Taxing Officer may adjust the costs by way of deduction or set off. R.R.O. 1970, Reg. 545, r. 672.

673. A set-off of damages or costs between parties shall not be allowed to the prejudice of the solicitor's lien for costs in the particular action in which the set-off is sought, but interlocutory costs in the same action awarded to the adverse party may be set off notwithstanding any lien. R.R.O. 1970, Reg. 545, r. 673.

674. Between party and party the Taxing Officer shall not allow the costs of proceedings,

- (a) unnecessarily taken;
- (b) not calculated to advance the interests of the party on whose behalf the proceedings were taken;
- (c) incurred through overcaution, negligence or mistake; or
- (d) that do not appear to have been necessary or proper for the attainment of justice or defending the rights of the party. R.R.O. 1970, Reg. 545, r. 674.

675.—(1) Upon a taxation between a solicitor and his client, the Taxing Officer may allow the costs of proceedings taken that were in fact unnecessary where he is of the opinion that such proceedings were taken by the solicitor because, in his judgment, reasonably exercised, they were conducive to the interests of his client, and may allow the costs of proceedings that were not calculated to advance the interests of the client where the proceedings were taken by the desire of the client after being informed by his solicitor that they were unnecessary and not calculated to advance his interests.

(2) This rule does not apply to solicitor and client costs payable out of a fund not wholly belonging to the client, or by a third party. R.R.O. 1970, Reg. 545, r. 675.

676. Where two or more defendants defend by different solicitors under circumstances entitling them to but one set of costs, the Taxing Officer shall allow but one set of costs, and, if two or more defendants defending by the same solicitor separate unnecessarily in their defences or otherwise, the Taxing Officer shall allow but one defence and set of costs. R.R.O. 1970, Reg. 545, r. 676.

677.—(1) It is the duty of the Taxing Officer, without any direction, to disallow in whole or in part the costs of any writ, pleading, petition, affidavit, evidence, account, statement or other proceeding that is improper, unnecessary or contains unnecessary matter or is of unnecessary length.

(2) Affidavits and evidence may be disallowed, although the same may be entered as read in any judgment or order. R.R.O. 1970, Reg. 545, r. 677.

678. Where anything in the course of an action or reference that ought to have been admitted has not been admitted, the party who neglected or refused to make the admission may be ordered to pay the costs occasioned by his neglect or refusal. R.R.O. 1970, Reg. 545, r. 678.

679.—(1) An affidavit of disbursements shall be made by the solicitor in the cause or matter or by a

clerk having the management thereof, or by the client, setting forth the sums paid to counsel, the names of witnesses, their places of abode, the places at which they were subpoenaed, and the distance which each such witness was necessarily obliged to travel in order to attend the trial, and the sums paid to them, and shall state that all such witnesses were necessary and material for the client in the cause or matter, that they did attend, and that they did not attend as witnesses in any other cause (or otherwise, as the case may be), and the number of days that each witness was necessarily absent from home in order to attend the trial.

(2) If a solicitor attends as a witness, it shall be stated whether or not he attended at the place of trial as solicitor or witness in any other cause and whether or not he had any other business there, and the day on which the trial took place shall be stated.

(3) The necessity for maps and plans used at the trial, the sum paid for them, and that they were prepared or procured with a view to the trial of the cause, shall be shown by the affidavit of disbursements. R.R.O. 1970, Reg. 545, r. 679.

680. In cases not otherwise provided for, the Taxing Officer may allow a reasonable sum for the expense of a shorthand writer, on the certificate of the judge before whom the examination of any witness or witnesses in any such cause, matter or other proceeding takes place, and also on the certificate of a local master in references before him where the parties agree to the employment of a shorthand writer. R.R.O. 1970, Reg. 545, r. 680.

681. Costs may be taxed on an award although the time for appealing from or moving against the award has not elapsed. R.R.O. 1970, Reg. 545, r. 681.

682. The costs of removing a bond or other security from the files of the court for the purpose of bringing an action thereon may be taxed as costs in the cause in the action brought thereon. R.R.O. 1970, Reg. 545, r. 682.

683.—(1) The following fees and disbursements shall be allowed and taxed,

- (a) fees according to Tariff A and disbursements according to Tariff B;
- (b) the fees payable in the Supreme Court and in the county courts prescribed by regulations made under the *Administration of Justice Act*; and
- (c) the fees payable to sheriffs prescribed by regulations made under the *Administration of Justice Act*,

and no other fees, disbursements, allowances or charges shall be allowed in respect of the matters provided for. O. Reg. 379/80, s. 5 (1).

(2) The conduct money payable to witnesses shall be the amount set out in item 2 of Tariff B. O. Reg. 379/80, s. 5 (2).

(3) In cases where services authorized by the Law Society of Upper Canada as being within the competence of articulated students-at-law are rendered by such a student, the fees and allowances shall be taxed and allowed at an amount equal to one-half of the amount set out in Tariff A. O. Reg. 285/71, s. 15, *part*.

(4) REVOKED: O. Reg. 379/80, s. 5 (3).

(5) Costs payable out of the proceeds of land sold, mortgaged or leased under the *Estates Administration Act* shall be allowed and taxed according to Tariff D. R.R.O. 1970, Reg. 545, r. 683 (4); O. Reg. 285/71, s. 15, *part*.

(6) On the passing of accounts by a trustee or personal representative of a deceased person or by a committee, the Master shall fix the costs of such passing of accounts according to the tariff provided for the passing of accounts in the surrogate court, subject to increase in his discretion where the tariff in his opinion is inadequate, but such discretion may be reviewed by a judge on the application of any person affected thereby. R.R.O. 1970, Reg. 545, r. 683 (5); O. Reg. 285/71, s. 15, *part*.

684.—REVOKED: O. Reg. 990/76, s. 9.

685.—REVOKED: O. Reg. 990/76, s. 10.

686.—REVOKED: O. Reg. 990/76, s. 11.

687.—REVOKED: O. Reg. 990/76, s. 12.

688.—(1) Upon request, the Taxing Officer shall withhold his certificate for seven days, or such other time as he may direct, in order to allow a party who is dissatisfied with the allowance or disallowance by the Taxing Officer of the whole or any part of any item to deliver to every other party interested therein and to the Taxing Officer objections in writing to such allowance or disallowance, specifying concisely the item objected to.

(2) A party upon whom objections have been served may within seven days of such service, or within such other time as the Taxing Officer may direct, deliver to every other party interested therein and to the Taxing Officer a reply thereto. R.R.O. 1970, Reg. 545, r. 688.

689. The Taxing Officer shall then reconsider and review his taxation upon such objections and reply, if any, and he may receive further evidence in respect thereof, and he may, and if requested he shall, state either in his certificate of taxation or by reference to such objections or reply, the grounds and reasons for his decision thereon and any special facts or circumstances relating thereto. R.R.O. 1970, Reg. 545, r. 689; O. Reg. 285/71, s. 16; O. Reg. 990/76, s. 13.

690.—(1) A sheriff claiming any fees, expenses or remuneration that have not been taxed shall, upon being required by either party and on payment of 25 cents for a copy of his bill in detail (which he is bound to render), have his fees, expenses or remuneration, as the case may be, taxed by the proper taxing officer of his county.

(2) A sheriff shall not, without taxation, collect any fees, costs or expenses after he has been required to have the same taxed. R.R.O. 1970, Reg. 545, r. 690; O. Reg. 307/72, s. 7.

691. The sheriff or the party requiring taxation may obtain an appointment for taxation, and the Taxing Officer, upon proof of service of such appointment or upon the parties attending before him, shall examine the bill and satisfy himself that the items charged in the bill are correct and legal, and strike out items charged for unnecessary services, and give, when requested, a certificate of the taxation. R.R.O. 1970, Reg. 545, r. 691.

692. A party dissatisfied with the taxation may appeal therefrom as in ordinary cases of taxation between party and party. R.R.O. 1970, Reg. 545, r. 692.

693.—(1) Where part only is made by the sheriff on or by force of an execution against goods and chattels, he is entitled to his fees and expenses of execution, and, where the personal estate, except chattels real, of the judgment debtor is seized or advertised on or under an execution, but not sold by reason of satisfaction having been otherwise obtained, or from some other cause, and no money is actually made by the sheriff on or by force of such execution, the sheriff is entitled to his fees and expenses of execution.

(2) Where land or chattels real of the judgment debtor have been advertised under an execution but have not been sold by reason of payment or satisfaction having been otherwise obtained on, or within one month before the day on which the property has been advertised to be sold, or any day to which the sale may be adjourned, the sheriff is entitled to his fees and expenses of execution. O. Reg. 307/72, s. 8.

694. Where there are writs of execution upon the same judgment to several counties or districts and the personal estate of the judgment debtor has been seized or advertised in one or more of such counties or districts but not sold by reason of satisfaction having been obtained under and by virtue of a writ in any of the counties and no money has been actually made on the execution, the sheriff is entitled to mileage and fees only for the services actually rendered and performed by him, and the Taxing Officer may allow him a reasonable charge for such services in case no special fee therefor is assigned in any tariff of costs. R.R.O. 1970, Reg. 545, r. 694; O. Reg. 307/72, s. 9.

695. Where a person liable on an execution is dissatisfied with the amount of fees or expenses of execution claimed by a sheriff, the court may, before or after payment thereof, upon the application of such person, upon notice to the sheriff, if the amount appears to be unreasonable, notwithstanding that it is according to the tariff, reduce the amount or order the amount to be refunded upon such terms as seem just. R.R.O. 1970, Reg. 545, r. 695; O. Reg. 307/72, s. 10.

696.—(1) Where a solicitor has been employed to prosecute or defend any cause or matter, the court may, upon a summary application, declare such solicitor, or his personal representatives, to be entitled to a charge upon the property recovered or preserved through the instrumentality of such solicitor, for his costs, charges and expenses of or in reference to such cause, matter or proceeding, and all conveyances and acts done to defeat, or which may operate to defeat, such charge or right are, unless made to a *bona fide* purchaser for value without notice, absolutely void and of no effect as against such charge.

(2) The court may make an order for taxation of such costs, charges and expenses and for the raising and payment of the same out of the property. R.R.O. 1970, Reg. 545, r. 696.

ESTATES ADMINISTRATION

697. Before an executor or administrator takes proceedings under the *Estates Administration Act* for the sale of real estate in which a minor is concerned, he shall give to the Official Guardian or local guardian appointed under that Act notice of the intention to sell, and is not entitled to any expenses incurred before giving such notice. R.R.O. 1970, Reg. 545, r. 697.

698. The Official Guardian or other officer aforesaid or any person interested in the land or in the proceeds of the sale thereof may apply to a judge, upon notice to all parties concerned or to such parties as the judge directs, for such direction or order touching the real estate and the proceeds thereof or the costs of the proceedings as to the judge seems meet. R.R.O. 1970, Reg. 545, r. 698.

QUIETING TITLES

699. A petition for an investigation of titles under the *Quieting Titles Act*, referred to in rules 700 to 721 as "the Act", shall not include two or more properties dependent on separate and distinct titles, but may include any number of lots or parcels belonging to the same person and dependent on one and the same chain of title. R.R.O. 1970, Reg. 545, r. 699.

700. Where an application is made under section 2 of the Act, the proper officer in the Registrar's office at Toronto shall attend one of the judges with the petition, for directions, before it is referred for investigation. R.R.O. 1970, Reg. 545, r. 700.

701. All petitions under the Act shall be filed in the Registrar's office at Toronto, and may, at the option of the petitioner, be referred to the referee in Toronto or to any local master. R.R.O. 1970 Reg. 545, r. 701.

702. The Master is the sole inspector of titles in respect of petitions filed under the Act, and the sole referee in Toronto, but he may assign to any assistant master such duties as inspector or referee as he from time to time deems advisable. R.R.O. 1970, Reg. 545, r. 702.

703. Petitions to be referred to a local referee shall be endorsed thus: "To be referred to the Referee

at.....and to Mr....., Inspector of Titles". R.R.O. 1970, Reg. 545, r. 703.

704. Petitions filed unendorsed shall, without order, stand referred to the referee in Toronto, but a petition endorsed with the name of a local referee shall stand referred to him. R.R.O. 1970, Reg. 545, r. 704.

705. Petitions to be referred to a local referee shall be entered with the inspector of titles before being filed. R.R.O. 1970, Reg. 545, r. 705.

706. A local referee is entitled to confer or correspond from time to time with the inspector of titles for advice and assistance on questions of practice or evidence or other questions arising under the Act or under these rules. R.R.O. 1970, Reg. 545, r. 706.

707. Upon the filing of the petition, it shall be delivered or mailed by the proper officer to the referee. R.R.O. 1970, Reg. 545, r. 707.

708. The particulars necessary under the Act to support the petition shall be delivered or sent by the petitioner or his solicitor to the referee and shall be forthwith examined and considered by him. R.R.O. 1970, Reg. 545, r. 708.

709.—(1) In every case of an investigation of title to property under the Act, the petitioner shall deliver to the referee a plan and description of the

property, verified by the affidavit of a qualified land surveyor who has personally inspected the property, and the affidavit shall state the manner in which the land described is indicated upon the plan, the names of the person or persons in actual occupation of the whole or any part thereof, the nature of the buildings upon the property and any evidence of continued possession that might be of assistance in the consideration of the petition.

(2) The petitioner shall also show, by affidavit or otherwise, whether possession has always accompanied the title under which he claims the property, or how otherwise, or shall show some sufficient reason for dispensing with such proof either wholly or in part. R.R.O. 1970, Reg. 545, r. 709.

710. Where there is no contest, the attendance of the petitioner, or of a solicitor on his behalf, shall not be required on the examination of the title, except where, for any special reason, the referee directs such attendance. R.R.O. 1970, Reg. 545, r. 710.

711. If, on such examination, the referee finds the proof of title defective, he shall deliver or mail to the petitioner, or his solicitor, a memorandum of such finding, stating shortly therein what the defects are, and he shall therein state as far as possible all the objections to the title. R.R.O. 1970, Reg. 545, r. 711.

712. Where the referee finds that a good title is shown, he shall prepare the necessary advertisement, and, unless the publication thereof is dispensed with under the Act, the advertisement shall be published in *The Ontario Gazette* and in any newspaper or newspapers in which the referee thinks it proper to have it inserted; and, unless otherwise directed by the referee, a copy of the advertisement shall also be put up on the door of the court house of the county in which the land lies, and, unless the nearest post office is in a city, in some conspicuous place in the post office that is situate nearest to the property the title of which is under investigation; and the referee shall endorse on the advertisement so prepared by him the name of the newspaper or newspapers in which it is to be published, and the number of insertions to be given therein respectively, and the period (not less than four weeks) for which the notice is to be continued at the court house and post office respectively. R.R.O. 1970, Reg. 545, r. 712.

713. Any notice of the application to be served or mailed under section 13 of the Act shall be prepared by the referee, and directions shall in like manner be given by him as to the persons to be served with the notice and as to the mode of serving it. R.R.O. 1970, Reg. 545, r. 713.

714. The inspector or Toronto referee shall from time to time confer with one of the judges in respect of matters before such inspector or Toronto referee,

as there may be occasion. R.R.O. 1970, Reg. 545, r. 714.

715. Where a person has shown himself, in the opinion of a local referee, to be entitled to a certificate or conveyance under the Act and has published and given all the notices required, the referee shall write at the foot of the petition, and sign, a memorandum to the following effect: "I am of opinion that the petitioner is entitled to a certificate of title (or conveyance) as prayed (*or subject to the following encumbrances, etc., as the case may be*)"; and shall transmit the petition (charges prepaid) with the deeds, evidence and other papers before him in reference thereto to the inspector of titles, who shall examine the papers carefully, and, if he finds any defect in the evidence of title or in the proceedings, he shall, by correspondence or otherwise, point out the defect to the petitioner or his solicitor or to the referee, as the case may be, in order that the defect may be remedied before a judge is attended with the petition and papers for approval. R.R.O. 1970, Reg. 545, r. 715.

716.—(1) Where the inspector or referee at Toronto finds that the petitioner has shown himself entitled to a certificate of title or a conveyance under the Act and has published and given all the notices required, he shall write at the foot of the petition, and sign, a memorandum to the same effect as is required from a local referee, and shall prepare the certificate of title or conveyance, and shall engross the same in triplicate on heavy paper of good quality, and shall sign the same at the foot or in the margin thereof, and shall attend one of the judges therewith and with the deeds, evidence and other papers before him in reference thereto; and, on the certificate or conveyance being signed by the judge, the inspector or other referee aforesaid, as the case may be, shall deliver or transmit it to the Registrar to be sealed and registered, and the Registrar shall retain one of the signed certificates or conveyances and shall deliver or transmit the other two, when so sealed and registered, to the petitioner, his solicitor or agent.

(2) Unless the judge otherwise directs, the certificate shall be dated as of the date of the filing of the petition. R.R.O. 1970, Reg. 545, r. 716.

717. When a certificate of title has been granted, the inspector or referee may, without further order, deliver, on demand, to the party entitled thereto, or his solicitor, all deeds and other evidence of title, not including affidavits made and evidence given in the matter of the title, and shall take his receipt therefor. R.R.O. 1970, Reg. 545, r. 717.

718. The inspector and referee shall keep a book and preserve therein a copy of all his letters under these rules. R.R.O. 1970, Reg. 545, r. 718.

719. The applicant shall pay or prepay, as the case may be, all postage and other expenses of

transmitting letters or papers. R.R.O. 1970, Reg. 545, r. 719.

720. Petitions under section 30 of the Act shall be filed and proceeded with in the same manner, as nearly as may be, as petitions for an indefeasible title. R.R.O. 1970, Reg. 545, r. 720.

721. The certificate of the inspector or of a referee upon any contest before him shall be filed, and an appeal lies from such certificates in the same way as from a master's report. R.R.O. 1970, Reg. 545, r. 721.

ACCOUNTANT'S OFFICE

722. All such books and records shall be kept as are directed by the Finance Committee, and the forms used for directions and cheques are subject to the approval of that Committee. R.R.O. 1970, Reg. 545, r. 722.

723. An auditor shall be appointed whose duty it is to see that books and records are kept as required by the Finance Committee and to examine and verify the accounts, books and securities in the Accountant's office, and to compare the balances with the bank account, and to make such further and other examination of the books and securities as he thinks necessary for the proper audit thereof, and to report forthwith, after making such examination, the result thereof to that Committee, and from time to time to make such suggestions as appear to be desirable for the efficient keeping of the accounts. R.R.O. 1970, Reg. 545, r. 723.

724. It is the duty of the Official Guardian to see that moneys payable on mortgages held by the Accountant, in which persons for whom the Guardian has acted are interested, are promptly paid, and that the mortgaged premises are kept properly insured, and that the taxes thereon are duly paid. R.R.O. 1970, Reg. 545, r. 724.

725.—(1) All mortgages and other securities taken under an order or judgment of the court and all bonds and other instruments required by the practice of the court for the purpose of security, except security for costs, shall, unless otherwise ordered, be taken in the name of the Accountant, and shall be deposited in his office.

(2) Mortgages and other securities made to or vested in the Accountant in any action or matter shall be held by him subject to the order of the court, but no duty or liability, except as custodian of the instrument, shall, by reason of such mortgage or other security being made, given to or vested in him, be imposed on the Accountant in respect of such mortgage or security or any property thereby vested in him. R.R.O. 1970, Reg. 545, r. 725.

726.—(1) Any person entitled to the discharge of a mortgage made to or vested in the Accountant

may leave with the Accountant the required discharge with a request that it be executed.

(2) The Accountant shall thereupon certify as to the payment of the money secured by the mortgage, and the matter shall in such case be considered by the officers whose duty it is to sign and countersign cheques for payment of money out of court, and, if they find that the mortgage has been satisfied in full and that the proposed discharge is in due form, they shall endorse upon such certificate and discharge a direction for the execution of the discharge by the Accountant.

(3) Thereupon the Accountant may execute the discharge and may, on a receipt being given therefor, deliver up all deeds and documents relating to the mortgage in his hands and may assign any policy of insurance held by him as collateral security for the mortgage to the person entitled to the discharge or as he by writing directs. R.R.O. 1970, Reg. 545, r. 726.

727.—(1) All sums less than \$10 standing to the credit of an adult and unclaimed for two years shall be transferred to the Suspense Account.

(2) All sums that are not claimed within ten years from the time when they became payable out of court shall be transferred to the Suspense Account.

(3) Money transferred to the Suspense Account shall cease to bear interest, but shall at any time be paid to the person entitled. *But see* R.S.O. 1980, c. 223, s. 111 (2).

(4) The Accountant shall cause to be published annually in *The Ontario Gazette* the names as they appear in the records of the Accountant's office and the last known address of every person to whose credit there is a sum that has been transferred to the Suspense Account during the preceding calendar year. R.R.O. 1970, Reg. 545, r. 727.

728. Where money or securities in court are to be paid out of court or transferred to the personal representatives of a person, the same may, upon proof to the satisfaction of the Accountant of the death of any of them whether before, on, or after the date of the order, be paid to the survivors or survivor of them. R.R.O. 1970, Reg. 545, r. 728.

729. Where money or securities in court are to be paid out or transferred to a person named in the order or judgment or named or to be named in any report, the same, or any portion thereof for the time being remaining unpaid or untransferred, may, on proof to the satisfaction of the Accountant of the death of such person whether before, on, or after the date of the order or judgment and that his personal representatives are entitled thereto, be paid or transferred to such personal representatives or the survivors or survivor of them. R.R.O. 1970, Reg. 545, r. 729.

730.—(1) Any person claiming to be interested in, or to have a lien or charge upon, or an assignment of, any money or securities in court, or invested in the name of the Accountant, or any portion thereof, or claiming to have the same applied towards the satisfaction of any judgment or execution against the person to whose credit such moneys or securities stand, or for whose benefit the same are held by the Accountant may, upon an affidavit verifying his claim, apply *ex parte* for an order directing that such money or securities shall not be paid out or dealt with except upon notice to him (Form 73). R.R.O. 1970, Reg. 545, r. 730; O. Reg. 32/78, s. 5, *part*.

(2) Where moneys are standing in court to the credit of any party, a person, having obtained the order in subrule (1) may, on notice to all interested persons apply to the court for an order directing payment out. O. Reg. 32/78, s. 5, *part*.

731. Money to be paid into court shall be paid into the Canadian Imperial Bank of Commerce at Toronto or in some branch of it or into a chartered bank being its agent in Ontario, and in no other way. R.R.O. 1970, Reg. 545, r. 731.

732.—(1) The person paying money into court shall obtain a direction to the bank to receive the money.

(2) The person applying for a direction or cheque shall leave a *praecipe* therefor, and the judgment or order under which the money is payable, together with a copy thereof and of the report where necessary, and is to be verified by an officer in the Accountant's office, and to be retained by the Accountant.

(3) If the direction is obtained elsewhere than in Toronto, these papers, with the necessary postage for their retransmission, shall be sent to the Accountant forthwith.

(4) The copy so verified shall be marked with a number corresponding to that of the account, and shall be bound and kept for reference in a book to be called the "Order Book". R.R.O. 1970, Reg. 545, r. 732.

732a.—(1) Money received by the Accountant under subsection 57 (3) of the *Land Titles Act* shall be credited by him to the Land Titles Assurance Fund account and a direction to receive the payment is not required.

(2) When money is required to be paid into court to the credit of the Certification of Titles Assurance Fund, the direction to receive the money shall be obtained from the Director of Titles, and the moneys shall be paid into the Toronto Branch of the Canadian Imperial Bank of Commerce. R.R.O. 1970, Reg. 545, r. 732a.

733. The person paying money into court is entitled to credit therefor as of the date on which it was deposited in the bank. R.R.O. 1970, Reg. 545, r. 733.

734. The bank, on receiving the money, shall give a receipt therefor in duplicate, and one copy shall be delivered to the party making the deposit and the other shall be posted or delivered the same day to the Accountant. R.R.O. 1970, Reg. 545, r. 734.

735.—(1) Money shall be paid out of court upon the cheque of the Accountant, countersigned by an officer of the court or other person designated by the Finance Committee, and every cheque shall first be initialed by the assistant accountant or chief clerk. R.R.O. 1970, Reg. 545, r. 735 (1)

(2) The person entitled to a cheque shall produce and leave with the Accountant a *praecipe* therefor, together with the orders and reports entitling him to the money and an affidavit that the time limited for appeal has expired and no appeal has been set down. R.R.O. 1970, Reg. 545, r. 735 (2); O. Reg. 285/71, s. 17.

736. REVOKED: O. Reg. 1/79, s. 3.

737.—(1) The Official Guardian shall deposit in the Accountant's office a statement showing the distribution of the proceeds of lands sold or mortgaged with his approval under the *Estates Administration Act*, and the dates of births of the minors interested.

(2) All money received by the Official Guardian on behalf of minors, mentally incompetent persons, absentees or other persons for whom he acts shall, without order, be paid into court to the credit of the person entitled.

(3) Money paid in to court under this rule to the credit of minors shall be paid out to them when they attain their majority.

(4) Money paid into court to the credit of non-concurring heirs and devisees shall be paid out to them upon application to the Accountant, without order.

(5) Money paid into court to the credit of an absentee may be paid out to the person entitled thereto upon order of a judge to be obtained upon notice to the Official Guardian.

(6) Where the amount of money payable into court under this rule is ascertained by the deduction of untaxed costs from a fund, the Official Guardian may require such costs to be taxed, and the solicitor who has received such costs shall forthwith pay into court for the minor or mentally incompetent person or absentee any balance that is found to be due as a result of such taxation. R.R.O. 1970, Reg. 545, r. 737.

738. Where costs are directed to be paid out of money in court, the solicitor of the party entitled to receive the costs is entitled to have the cheque drawn in his favour upon filing with the Accountant an affidavit stating,

- (a) that he is entitled to receive such costs; and
- (b) that he has not been paid his costs or any part thereof, and that the costs, payment of which is sought, are justly due to him,

and, if the solicitor has been changed in the course of the litigation, that fact shall be shown in the affidavit, and the consent of both solicitors shall be filed. R.R.O. 1970, Reg. 545, r. 738.

739.—(1) Where money to which a minor, mentally incompetent person or person of unsound mind is entitled is paid into a surrogate or county court, the Registrar or Clerk of that court shall forthwith cause the money to be transmitted to the Accountant and shall forthwith transmit to the Accountant and to the Official Guardian a statement showing when the money was so paid in and the amount of such payment together with a copy, certified by the Registrar or Clerk, of all judgments or orders affecting the money, and the money shall thereupon be placed to the credit of the minor, mentally incompetent person or person of unsound mind. O. Reg. 285/71, s. 18.

(2) All money paid into a surrogate or county court and unclaimed for two years shall be transmitted by the Registrar or Clerk to the Accountant, together with a statement showing when the money was paid in and a certified copy of all judgments or orders affecting the money.

(3) Such money shall be paid out to any person found entitled thereto upon the production of a judgment or order of the surrogate or county court judge, and shall in the meantime be dealt with as other money in the Supreme Court. R.R.O. 1970, Reg. 545, r. 739 (2, 3).

740. Where money is in court to the credit of a minor, it shall be paid out of court to him with accrued interest without further order upon his attaining his majority, unless otherwise ordered. R.R.O. 1970, Reg. 545, r. 740.

741.—(1) Where money is in court to the credit of a minor or mentally incompetent person, it may be paid out upon the fiat of a judge without formal order. R.R.O. 1970, Reg. 545, r. 741 (1); O. Reg. 520/78, s. 40.

(2) Such fiat shall be prepared by the Official Guardian and may be signed either by the judge or the Registrar or the Clerk, as the case may be, and shall be entered at length in the order book, and the fiat or copy to be verified by the Accountant

shall be deposited with the Accountant. R.R.O. 1970, Reg. 545, r. 741 (2); O. Reg. 520/78, s. 41.

(3) The judge may in his discretion fix and direct payment of the costs of the application to the solicitor and dispense with the affidavit required by rule 738.

(4) When an order has been made for payment of maintenance out of money in court to which a minor is entitled, the cheque shall, upon application to the Official Guardian, be obtained and forwarded by him without expense to the applicant.

(5) An application for such maintenance shall be lodged with the Accountant before the beneficiary attains his majority, otherwise it may be disregarded. R.R.O. 1970, Reg. 545, r. 741 (3-5).

PETITIONS OF RIGHT

742-754 REVOKED: See S.O. 1962-63, c. 109, ss. 28, 29.

OFFICERS AND OFFICES

755. The Registrar or such other officer as he directs shall attend the weekly sittings at Toronto, and the officer so attending shall settle and sign all orders and settle all judgments pronounced thereat. R.R.O. 1970, Reg. 545, r. 755.

756. Local registrars shall, with respect to all matters in their offices, perform the same duties in the same manner as the like duties are performed in the Registrar's Office at Toronto. R.R.O. 1970, Reg. 545, r. 756.

757. Every local registrar and local deputy registrar is a local taxing officer. R.R.O. 1970, Reg. 545, r. 757; O. Reg. 451/77, s. 3.

758. Every local taxing officer is in actions begun or pending in his office, entitled to tax all bills of costs, including counsel fees, subject only to appeal to a judge. R.R.O. 1970, Reg. 545, r. 758 (1); O. Reg. 990/76, s. 14.

759. All taxing officers, for the purpose of any taxation, have power to administer oaths and take evidence, direct production of books and documents, make certificates and give general directions for the conduct of taxations before them. R.R.O. 1970, Reg. 545, r. 759.

BUSINESS IN OFFICES

760.—(1) Except as provided in subrule (2), or otherwise ordered or provided, all business in the offices of the courts shall be transacted only upon the personal attendance of the party on whose behalf such business is required to be transacted, or of the solicitor of such party, or the clerk or agent of the solicitor, or the clerk of the agent. O. Reg. 285/71, s. 19, *part*.

(2) Provided that the proper fee as prescribed by regulations made under the *Administration of Justice Act* accompanies the same, the following may be forwarded by prepaid ordinary mail to the proper officer for filing in accordance with the rules,

- (a) a writ of execution;
- (b) an appearance by a solicitor, an affidavit of merits, a pleading, a jury notice, a notice of trial, a notice of change of solicitors, a notice of discontinuance and an affidavit on production;
- (c) a notice of a desire of an opportunity to redeem;
- (d) a notice of appeal, an Appellant's Statement, a Respondent's Statement and a notice of perfection in an appeal to an appellate court;
- (e) a notice of motion together with supporting documents;
- (f) a certificate of readiness;
- (g) a true copy of an issued and entered order or judgment. O. Reg. 285/71, s. 19, *part*; O. Reg. 569/75, s. 6; O. Reg. 451/77, s. 4; O. Reg. 32/78, s. 6; O. Reg. 520/78, s. 42; O. Reg. 379/80, s. 6.

(3) The date of filing of any document received pursuant to subrule (2) or (5) shall be deemed to be that which appears upon the said document in the official filing stamp of the sheriff, registrar or clerk of the court. O. Reg. 285/71, s. 19, *part*; O. Reg. 520/78, s. 43.

(4) Where a document is purported to have been mailed pursuant to subrule (2) or (5) and the records of the sheriff, registrar or clerk of the court do not indicate that the same was received, the said document shall be deemed not to have been received. O. Reg. 285/71, s. 19, *part*; O. Reg. 520/78, s. 44.

(5) Where an order or judgment which has been issued by the proper officer or Judge requires entry by the registrar in the office of the Court where the proceedings were commenced, the issued order or judgment may be forwarded by ordinary prepaid mail to the registrar or clerk for entry and filing. O. Reg. 520/78, s. 45.

761. All officers are auxiliary to one another for promoting the correct, convenient and speedy administration of business. R.R.O. 1970, Reg. 545, r. 761.

762.—(1) In case an officer to whom a special duty is assigned is for any reason unable to act or if the office is vacant, the duty may be performed

by such other officer as is designated for that purpose by the Chief Justice of Ontario.

(2) In the absence of the Taxing Officer at Toronto, his duties may be performed by the Master or by such officer as the Master designates. R.R.O. 1970, Reg. 545, r. 762.

763. Where the first document in a cause or matter is required to be filed in Toronto, the Registrar's office shall be deemed to be the office in which the cause or matter was commenced and in other cases the office of the local registrar of the county or district in which such first document is required to be filed shall be deemed to be the office in which the cause or matter was commenced. R.R.O. 1970, Reg. 545, r. 763.

764. Subject to the provisions of the rules as to appeals to and proceedings before an appellate court, all proceedings in a cause or matter shall be carried on in the office in which the cause or matter was commenced. O. Reg. 115/72, s. 20.

765. All persons called to the bar of Ontario or admitted as solicitors of the Supreme Court shall sign the rolls provided and take the prescribed oaths. R.R.O. 1970, Reg. 545, r. 765.

COUNTY AND LOCAL COURTS

766. All writs in the county court shall be sealed with the seal of the court and shall conclude with the words "IN WITNESS WHEREOF this writ is signed for the County Court of the County

of by

Clerk of the said Court at” and shall state the date and place of issue, and shall be signed by the officer issuing the same or in his name by a member of his staff to whom the officer has delegated such authority. R.R.O. 1970, Reg. 545, r. 766.

767. The judges of the county courts have power to sit and act at any time for the transaction of any part of the business of such courts, or for the discharge of any duty, including the trial of non-jury actions. R.R.O. 1970, Reg. 545, r. 767.

768. Where the plaintiff fails to recover judgment in an action or other proceeding brought in a county or small claims court by reason of such court having no jurisdiction over the subject-matter thereof, the county court, or the judge presiding in the small claims court, as the case may be, has jurisdiction over the costs of such action or proceeding and may order by and to whom such costs shall be paid. R.R.O. 1970, Reg. 545, r. 768.

769. In all actions brought in a county court, the judge of the county court where the proceedings were

commenced, or the Master (subject to appeal in either case as if the case were in the High Court of Justice) may change the place of trial, and in the event of an order being obtained for that purpose, the clerk of the county court in which the action was commenced shall forthwith transmit all papers in the action to the clerk of the county court to which the place of trial is changed, and all subsequent proceedings shall be entitled in such last-mentioned court and carried on in such last-mentioned court as if the proceedings had originally been commenced in such last-mentioned court. R.R.O. 1970, Reg. 545, r. 769.

770. These rules and the practice and procedure in actions in the Supreme Court shall, so far as the same can be applied, apply and extend to actions in the county court. R.R.O. 1970, Reg. 545, r. 770.

771.—(1) In actions in the county court, the clerk shall, subject to the directions of the judge, discharge all the duties and have all the powers of the Registrar of the Supreme Court and shall act as referee in any mortgage reference directed by a *praecipe* or default judgment and in the taking of any accounts that may be referred to him by the judge.

(2) If it appears to the clerk that a mortgage reference directed by a *praecipe* or default judgment is one which in his opinion ought to be dealt with by the judge, the clerk may apply to the judge for directions. R.R.O. 1970, Reg. 545, r. 771.

772.—(1) Money to be paid into a county court or surrogate court shall be paid into a chartered bank designated for that purpose from time to time by the Lieutenant Governor in Council.

(2) The money shall be paid in to the credit of the cause or matter in which the payment is made with the privity of the clerk or registrar, as the case may be, of the court and in no other manner, and such money shall be withdrawn only on the order of the court or judge thereof with the privity of the clerk or registrar of the court.

(3) Where money is paid in under a plea of payment into court, the clerk, on the production of the receipt of the bank for the money or other satisfactory proof of such payment, shall sign a receipt for the amount in the margin of the pleading. R.R.O. 1970, Reg. 545, r. 772.

773. The clerk of a county court and the registrar of a surrogate court shall each keep a book containing an account of all money so paid into their respective courts and of all withdrawals thereof. R.R.O. 1970, Reg. 545, r. 773.

774. The book so to be kept shall be open for inspection during office hours, and the clerk or registrar shall give a certificate of the state of an account or an extract therefrom at the request of any party interested or his solicitor on his paying

to the clerk or registrar the sum of 20 cents for such inspection or certificate and the sum of 10 cents per folio for such extract. R.R.O. 1970, Reg. 545, r. 774.

775. The Official Guardian is entitled to make any search and take any extracts without payment of any fee. R.R.O. 1970, Reg. 545, r. 775.

FAMILY LAW REFORM ACT PROCEEDINGS

775a.—(1) In rules 775a to 775l,

(a) “Act” means the *Family Law Reform Act*;

(b) “applicant” means a person making an application under the Act and includes a plaintiff, a plaintiff by counter-claim, a petitioner and a counter-petitioner for divorce;

(c) “originating document” means a writ of summons, counter-claim, petition for divorce, counter-petition for divorce or originating notice that initiates an application under the Act;

(d) “respondent” includes a defendant; and

(e) “responding document” means a statement of defence, statement of defence to counter-claim, answer to a petition for divorce, answer to a counter-petition for divorce or appearance to an originating notice. O. Reg. 216/78, s. 19, *part*; O. Reg. 520/78, s. 46.

(2) An application under the Act may be made by,

(a) writ of summons;

(b) counter-claim;

(c) petition for divorce;

(d) counter-petition for divorce; or

(e) originating notice. O. Reg. 216/78, s. 19, *part*.

775b. Where the Minister of Community and Social Services or a municipality makes an application under the Act for an order for the support of a dependant, the applicant shall serve upon the dependant a copy of the originating document. O. Reg. 216/78, s. 19, *part*.

775c.—(1) Where an application is made under section 4 of the Act, a statement of property in Form 10 shall be delivered with the originating document.

(2) Where an application is made under section 18 or section 21 of the Act, a statement of financial information in Form 10a shall be delivered with the originating document.

(3) A party served with a statement of property or a statement of financial information shall deliver a statement of property or a statement of financial information, as the case requires, with his responding document.

(4) Where a party does not intend to defend an application, he shall deliver a statement of property or a statement of financial information, as the case requires, within the time period provided as follows:

1. Where the application is made by writ of summons, within the time limited by the rules for the delivery of a statement of defence.

2. Where the application is made by counter-claim, within the time limited by the rules for the delivery of a statement of defence to the counter-claim.

3. Where the application is made by petition for divorce, within the time limited by the rules for the filing of an answer.

4. Where the application is made by counter-petition for divorce, within the time limited by the rules for the filing of an answer to the counter-petition.

5. Where the application is made by originating notice, on or before the return date of the application or within twenty days after the date of service, whichever is the shorter period.

(5) This rule does not apply to a person alleged to be involved in a matrimonial offence and added as a party under rule 780. O. Reg. 216/78, s. 19, *part*.

775d.—(1) An applicant may serve a notice in Form 20a with his originating document or at any time thereafter on a respondent who is required to deliver a statement of property or statement of financial information.

(2) Where a respondent has been served with a notice under subrule (1) and does not comply with rule 775c, the court, on motion by the applicant, may make an *ex parte* order requiring the respondent to deliver the statement. O. Reg. 216/78, s. 19, *part*.

775e. A party may be cross-examined upon his statement of property and statement of financial information and the cross-examination may be used in evidence,

(a) on any application for interim relief; and

- (b) at trial, in the same manner as an examination for discovery. O. Reg. 216/78, s. 19, *part*.

775f.—(1) Notwithstanding rule 245, the place of trial of an application under the Act shall be,

- (a) where the applicant is resident in Ontario, in a county in which any of the parties ordinarily resides;
- (b) where the applicant is resident outside Ontario, in the county in which any of the respondents ordinarily resides,

unless otherwise ordered upon motion of any party.

(2) Where an application under the Act is made in a county court by originating notice, a party may apply under rule 769 to change the place of hearing. O. Reg. 216/78, s. 19, *part*.

775g.—(1) A notice of motion for interim relief under the Act or the *Divorce Act* (Canada) or for interim disbursements may be served with an originating document or at any time thereafter. O. Reg. 216/78, s. 19, *part*.

(2) A judge or master who hears a motion referred to in subrule (1) shall consider whether or not a pre-trial conference is necessary or desirable at that stage of the proceeding and may conduct a pre-trial conference before disposing of the motion.

(3) Subrules 244 (1), (2), (4) and (5) apply, with necessary modifications, in respect of a pre-trial conference under subrule (2).

(4) Except with the consent of the parties, a judge or master who conducts a pre-trial conference under subrule (2) shall not participate further in the proceeding.

(5) In exercising his discretion as to costs, a judge or master who hears a motion for interim relief under subrule (1) shall take into account the absence of or the making, terms and disposition of an offer under rule 775i to settle the claim for interim relief. O. Reg. 933/79, s. 7.

775h. Where a party does not comply with an order for interim relief under the Act or the *Divorce Act* (Canada) or for interim disbursements, the court, if satisfied of the ability of the party to pay, may postpone the trial of the application or may order any pleading or affidavit of the party to be struck out. O. Reg. 216/78, s. 19, *part*.

775i.—(1) A party may serve on another party an offer to settle any claim made in an application under the Act or joined with a claim for divorce in a petition.

(2) An offer may be accepted at any time before the court makes an order disposing of an issue in

respect of which the offer is made by serving notice of acceptance on the party who made the offer.

(3) An offer may be withdrawn at any time before the offer is accepted by serving a notice of withdrawal on the party to whom the offer was made.

(4) Where an offer is accepted, the court may incorporate any of its terms into an order and, in exercising its discretion as to costs, may take into account the terms of the offer and the date on which the offer was served.

(5) Where an offer is not accepted, no communication respecting the offer shall be made to the court until the question of costs comes to be decided, and the court, in exercising its discretion as to costs, may take into account the terms of the offer and the date on which the offer was served.

(6) Where an offer is withdrawn no communication respecting the offer shall be made to the court at any time. O. Reg. 216/78, s. 19, *part*.

775j.—(1) Where a proceeding is transferred to a court having other jurisdiction under subsection 2 (2) of the Act, the proceeding shall be deemed to be an action and shall continue in that court without duplication of any steps taken prior to the transfer unless that court orders otherwise.

(2) A court to which a proceeding is transferred may, on motion, give directions for the conduct of the proceeding.

(3) Any interim order made in a proceeding prior to a transfer to a court having other jurisdiction shall remain in force according to its terms unless that court orders otherwise. O. Reg. 216/78, s. 19, *part*.

775k.—(1) An appeal to a county court under the Act shall be made by notice of appeal served upon all parties whose interests are affected by the appeal within fifteen days after the date of the order appealed from.

(2) The notice shall state the relief asked for and shall set forth the grounds of appeal and no other grounds may be argued except by leave of the court.

(3) The appellant shall on or before the tenth day prior to the hearing of the appeal file with the clerk of the court and serve upon each respondent a record containing copies of documents in the following order:

1. An index.
2. The notice of appeal.
3. The order appealed from and any reasons given by the judge who made the order.

4. A concise statement, without argument, of the facts and law relied on by the appellant.
5. A transcript of the evidence.
6. Such other material as is necessary for the due hearing of the appeal.

(4) Each respondent shall on or before the third day prior to the hearing of the appeal file with the clerk and serve upon each of the other parties one copy of a concise statement, without argument, of the facts and law relied upon by the respondent.

(5) A judge of the county court may, before or at the hearing of the appeal, dispense with compliance with this rule either in whole or in part. O. Reg. 216/78, s. 19, *part*.

775l.—(1) A recognizance entered into under an order made under section 34 of the Act shall be in Form 88 and shall be entered into before the registrar or clerk of the court or such other officer of the court as a judge may direct.

(2) Where a party is in breach of a condition of the recognizance, the court, on application by an opposite party or the Attorney General, may order that a writ of execution be issued to enforce the recognizance. O. Reg. 520/78, s. 46a.

775la.—(1) Where a judge or master who hears a motion in a proceeding under the Act or the *Divorce Act* (Canada) is satisfied that a party to the motion is attempting to delay or add to the cost of the proceeding or to abuse the process of the court by a multiplicity of frivolous or vexatious motions, the judge or master by order may prohibit the party from making any further motions in the proceeding without leave.

(2) A judge or master who hears a motion in a proceeding under the Act or the *Divorce Act* (Canada) and is satisfied that the motion ought not to have been made or ought not to have been opposed may fix the costs of the motion and order that the costs so fixed be paid forthwith. O. Reg. 933/79, s. 8, *part*.

775lb.—(1) No party to a motion for interim relief in a proceeding under the Act or the *Divorce Act* (Canada) shall serve or file without leave an affidavit for use at the hearing of the motion after cross-examining the deponent of an affidavit served by an opposite party.

(2) The court may grant the leave referred to in subrule (1) if the court is satisfied that the party ought to be permitted to respond by affidavit to a matter raised on the cross-examination.

(3) A party to a motion referred to in subrule (1) who cross-examines the deponent of an affidavit that was served by an opposite party for use at the hearing of the motion is liable for the party and party costs of the opposite party in respect of the cross-examination

in any event of the cause, unless otherwise ordered by the court.

(4) A party to a motion referred to in subrule (1) who cross-examines the deponent of an affidavit served by an opposite party for use at the hearing of the motion and obtains a transcript of the cross-examination shall serve a copy of the transcript on the opposite party without charge.

(5) A party to a motion referred to in subrule (1) who has not acted with reasonable diligence in proceeding to cross-examine upon affidavits served for use at the hearing of the motion is not entitled to an adjournment of the hearing for the purpose of such a cross-examination.

(6) Where, following the hearing of a motion referred to in subrule (1), the court is satisfied that a cross-examination upon an affidavit served for use at the hearing was unnecessarily lengthy or was not useful, relevant, helpful or necessary, the court may order the solicitor who conducted the cross-examination to pay personally the party and party costs in respect of the cross-examination of the opposite party who served the affidavit and the court may order that the solicitor is not entitled to recover his costs of the cross-examination from his client. O. Reg. 933/79, s. 8, *part*.

CHILD WELFARE ACT PROCEEDINGS

775m.—(1) In this rule "Act" means the *Child Welfare Act*.

(2) An appeal to a county court under section 43 or 84 of the Act shall be made by notice of appeal served by the appellant within thirty days after the making of the decision being appealed upon the clerk of the court that made the decision and filed with the clerk of the county court within five days after service.

(3) Upon the filing of the notice of appeal, the appellant shall forward by ordinary mail a copy of the notice of appeal to,

(a) all other persons entitled to appeal the decision; and

(b) in the case of an appeal under section 43 of the Act, all other persons entitled to notice of a hearing under subsection 28 (6) of the Act who appeared at the hearing.

(4) The notice shall state the relief asked and shall set forth the grounds of appeal and no other grounds may be argued except by leave of the court.

(5) The record of the appeal shall contain the material prepared for the purpose under the rules of the provincial courts (family division) and sent to the county court by the court that made the decision and shall include,

- (a) an index;
 - (b) the notice of appeal;
 - (c) the decision being appealed and any reasons given by the court that made the decision;
 - (d) a transcript of the evidence; and
 - (e) such other material as is necessary for the hearing of the appeal.
- (6) The appeal shall be heard within thirty days after the filing of the transcript of the evidence.
- (7) Subject to subsection 43 (7) and subsection 84 (5) of the Act, a judge of the county court may dispense with compliance with this rule either in whole or in part. O. Reg. 251/79, s. 2.

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APPLICATION OF RULES

776.—(1) Subject to rules 779 to 815 and any Act,

(a) all other rules;

(b) the forms in the Appendix of Forms to the rules; and

(c) Tariffs A and B,

shall be applied with necessary modifications to matrimonial causes except as otherwise provided.

(2) Where rules 779 to 815 do not provide for a form, the forms in the Appendix of Forms to the rules shall be employed with necessary modifications. O. Reg. 379/80, s. 7, *part*.

777. REVOKED: O. Reg. 379/80, s. 7, *part*.

778. REVOKED: O. Reg. 216/78, s. 21.

778a. REVOKED: O. Reg. 216/78, s. 22.

PARTIES TO PROCEEDINGS

779. Subject to rule 783 the name of each person alleged to be involved in a matrimonial offence set out in section 3 of the *Divorce Act* (Canada) shall be contained in the petition. R.R.O. 1970, Reg. 545, r. 779.

780. Unless otherwise ordered or provided, the petitioner's spouse and each person alleged to be involved in a matrimonial offence shall be a respondent. R.R.O. 1970, Reg. 545, r. 780.

781. A person named pursuant to rule 779 but not made a respondent may nevertheless apply to the court to be added as a respondent. R.R.O. 1970, Reg. 545, r. 781.

782. Where the proceedings are based on a matrimonial offence that constitutes a criminal offence for which the respondent spouse has been convicted in a court of competent jurisdiction in Canada, the other person who was involved in such offence shall not be made a respondent unless a judge otherwise orders. R.R.O. 1970, Reg. 545, r. 782.

783.—(1) Where the name of a person alleged to be involved in a matrimonial offence is unknown to the petitioner, the court or a judge, on being satisfied that all reasonable efforts have been made to ascertain the name, may grant leave to the petitioner to file the petition without adding such person as a respondent. R.R.O. 1970, Reg. 545, r. 783 (1); O. Reg. 284/71, s. 5, *part*.

(2) After a petition has been filed the court may grant leave to amend it by adding a further allegation of involvement in a matrimonial offence of a person whose name is unknown to the petitioner. R.R.O. 1970, Reg. 545, r. 783 (2).

(3) Where the order is made after the notice of petition has been served, unless otherwise ordered, the order shall require the amended petition to be served and shall also prescribe the times within which the answer to the amended petition shall be delivered. R.R.O. 1970, Reg. 545, r. 783 (3); O. Reg. 284/71, s. 5, *part*.

(4) The order granting leave shall be served with the petition or the amended petition. R.R.O. 1970, Reg. 545, r. 783 (4).

784. Where a person alleged to be involved in a matrimonial offence has died before the filing of the petition, it is not necessary to make the legal representative of such person a respondent. R.R.O. 1970, Reg. 545, r. 784.

785.—(1) Where a respondent alleged to be involved in a matrimonial offence dies while the proceeding is pending, it may be continued without adding the legal representative of such respondent as a party unless the petitioner intends to ask in the proceeding for any relief against the estate.

(2) Where no such claim is made against the estate, the petitioner shall file an affidavit verifying the death of such respondent, and in all proceedings thereafter the words "now deceased" shall be added immediately after the name of the deceased respondent in the style of cause, and the proceedings may be continued without notice to the legal representative of such respondent. R.R.O. 1970, Reg. 545, r. 785.

786. Where the legal representative of a deceased person alleged to be involved in a matrimonial offence has not been made a respondent, such representative or any other person desiring to represent such deceased person may apply to the court for leave to be added as a respondent. R.R.O. 1970, Reg. 545, r. 786.

GENERAL PROCEDURE

787.—(1) A matrimonial cause shall be commenced by,

(a) the filing with the Registrar or local registrar, as the case may be, of a petition for divorce prepared by the petitioner according to Form 140; and

(b) the issue of a notice of the petition prepared by the petitioner according to Form 141; and

(c) the filing with the Registrar or local registrar, as the case may be, of a certificate of the marriage or of the registration thereof unless one cannot be produced.

(2) The notice and the petition shall be sealed with the seal of the Supreme Court and the notice shall be signed by the officer issuing the same and shall state the date and place of issue.

(3) True copies of the notice and the petition certified to be such by the petitioner or his solicitor shall be filed with the officer at the time of issue.

(4) Rules 12, 15, 25, 26, 27, 28 and 29 do not apply to matrimonial causes. R.R.O. 1970, Reg. 545, r. 787.

788.—(1) Save where a respondent is being added, the petition and notice of petition may be amended once without leave before the close of pleadings.

(2) Where amended, the petition and notice of petition shall be served upon the respondent. R.R.O. 1970, Reg. 545, r. 788.

789. The petition shall be served with the notice of petition. R.R.O. 1970, Reg. 545, r. 789.

790. The notice of petition and the petition or the amended notice of petition and the amended petition, as the case may be, shall be served upon the respondent spouse within ninety days of the filing of the petition or the making of the amendment. R.R.O. 1970, Reg. 545, r. 790.

791.—(1) Unless otherwise ordered by the court or a judge, the notice of petition, the petition and all papers required to be served therewith shall be served on each respondent personally. R.R.O. 1970, Reg. 545, r. 791 (1); O. Reg. 284/71, s. 6.

(2) Such service shall be made by a person other than the petitioner.

(3) The person who serves the notice shall, at the time of the service request each respondent to complete and sign in his presence the acknowledgement of service endorsed on the notice and shall sign his name as witness to any signature thereto.

(4) The affidavit of service (Form 142) shall state fully the means of knowledge of the deponent as to the identity of the person served and that the respondent served has been requested to complete and sign the acknowledgement of service, giving the result of such request. R.R.O. 1970, Reg. 545, r. 791 (2-4).

792. The Court or a judge may dispense with service of the notice of petition and other documents on a respondent who cannot be found if no claim other than a claim for dissolution of marriage is made against him, or if made, is abandoned. O. Reg. 933/79, s. 9.

793. Where service of a petition and notice of petition by publication in a newspaper is ordered, the publication shall be according to Form 142A. R.R.O. 1970, Reg. 545, r. 793.

794. Service may be made out of Ontario of a notice of petition and a petition. R.R.O. 1970, Reg. 545, r. 794.

795.—(1) A respondent who wishes to oppose a petition shall, within the time prescribed in sub-rule (2), serve and file with proof of service an answer according to Form 143, and when he seeks relief he shall serve and file, within the same time, an answer and counter-petition according to Form 144.

(2) An answer shall be served and filed,

- (a) where the notice of petition and the petition are served within Ontario, within twenty days after service thereof, inclusive of the day of such service;
- (b) where the notice of petition and the petition are served elsewhere within Canada or within one of the United States of America, within forty days after service thereof, inclusive of the day of such service; and
- (c) in all other cases within sixty days after service thereof inclusive of the day of such service. R.R.O. 1970, Reg. 545, r. 795 (1, 2).

(3) Where a respondent alleges in a counter-petition that another person was involved in a matrimonial offence with the petitioner, he shall add a second style of cause in which he is described as "petitioner by counter-petition" and the petitioner and the added party are described as "respondents by counter-petition" and shall deliver his answer and counter-petition within the time limited for the answer and shall serve the same upon the added party together with a notice to respondent added by counter-petition according to Form 145 issued by the registrar and with a copy of the petition within thirty days of the issue of the said notice. R.R.O. 1970, r. 795 (3); O. Reg. 761/73, s. 2.

(4) A respondent who wishes to appear but does not necessarily oppose the petition may cause an appearance to be entered, according to Form 143A, but such entry of appearance does not enlarge the time for serving and filing an answer, and thereafter such respondent shall be served with all subsequent pleadings and with notice of hearing and all other matters in the proceeding. R.R.O. 1970, Reg. 545, r. 795 (4), *revised*.

(5) The rules relating to a matrimonial cause apply to a counter-petition, with necessary modifications. R.R.O. 1970, Reg. 545, r. 795 (5).

795a.—(1) Where a petition contains a claim for corollary relief under the *Divorce Act* (Canada) other

than access, the petitioner shall serve and file a statement of property and a statement of financial information with the petition and the respondent spouse shall deliver a statement of property and a statement of financial information with his answer. O. Reg. 933/79, s. 10, *part*; O. Reg. 379/80, s. 8, *part*.

(2) Where the petition does not contain a claim for corollary relief under the *Divorce Act* (Canada) other than access, but such a claim is made by counter-petition, the petitioner by counter-petition shall serve and file a statement of property and a statement of financial information with his answer and counter-petition and the respondent to the counter-petition shall serve and file a statement of property and a statement of financial information with his answer to the counter-petition. O. Reg. 933/79, s. 10, *part*; O. Reg. 379/80, s. 8, *part*.

(3) Where a statement of property and a statement of financial information are required to be served and filed with a petition, a counter-petition or an answer, the Registrar or local registrar shall not issue or file the petition, the counter-petition or the answer, as the case may be, without the statement of property and the statement of financial information. O. Reg. 933/79, s. 10, *part*.

(4) A respondent to a petition or counter-petition who does not intend to defend a claim for corollary relief under the *Divorce Act* (Canada) other than access, shall serve and file a statement of property and a statement of financial information within the period of time prescribed by these rules for the serving and filing of an answer. O. Reg. 933/79, s. 10, *part*; O. Reg. 379/80, s. 8, *part*.

(5) Where a respondent to a petition or a counter-petition fails to deliver a statement of property and a statement of financial information within the period of time prescribed by these rules for the serving and filing of his answer, the court on motion without notice may order the respondent to the petition or counter-petition to file and serve the statements and in the order may specify the period of time within which the respondent must comply with the order.

(6) A party may cross-examine an opposite party on the statement of property and the statement of financial information of the opposite party.

(7) A cross-examination on a statement of property and a statement of financial information may be used,

- (a) on a motion for interim relief; and
- (b) at trial, in the same manner as an examination for discovery.

(8) The statement of property and the statement of financial information referred to in these rules shall be in Form 10 and Form 10a, respectively. O. Reg. 933/79, s. 10, *part*.

CHILDREN

796. Where a petition or counter-petition contains particulars of children of the marriage as defined by section 2 of the *Divorce Act* (Canada),

- (a) the petition or counter-petition and any other papers required to be served there-with shall be served upon the Official Guardian at Toronto after service thereof on the respondent spouse;
- (b) all other pleadings shall be served upon the Official Guardian within the times limited by the rules for service upon the parties to the proceedings;
- (c) three copies of the report of the Official Guardian and the supporting affidavit, if any, shall be served on the petitioner within sixty days of the service of the petition upon the Official Guardian;
- (d) the report of the Official Guardian and the supporting affidavit, if any, together with proof of service thereof on the petitioner shall be filed forthwith in the office where the notice of petition was issued;
- (e) the petitioner shall serve forthwith one of such copies and the supporting affidavit, if any, upon the other spouse personally or by ordinary mail to his last known address unless such service is dispensed with by the court, and shall forth-with file proof thereof in the said office;
- (f) either spouse may dispute any statement in the report or the supporting affidavit, if any, by serving a concise statement of the nature of such dispute upon the other spouse, unless such service is dispensed with by the court, and upon the Official Guardian at Toronto, and by filing the same, together with proof of such service, within fifteen days of the service of the report on him;
- (g) the court may in its discretion order that the report and the supporting affidavit, if any, and any dispute filed be served upon the co-respondent or upon any person not a party to the proceedings and may give such directions as it deems necessary;
- (h) unless the Official Guardian is the applicant, he shall be served with four days notice of any application under clause (g);
- (i) the services mentioned in clauses (f) and (g) shall be personal unless the person to be served is represented in the proceedings by a solicitor or unless the court otherwise orders;

- (j) except with leave or where the spouses have delivered notices that the report is not being disputed, no petition shall be heard and a registrar shall not put a petition on a daily list for hearing until the disputes have been filed or the time for filing disputes has expired;
- (l) prior to the hearing, a copy of the report and any dispute filed shall be placed with the record required by rule 248;
- (m) rule 229 does not apply to a person who has made an affidavit verifying the report of the Official Guardian; and
- (n) the Official Guardian has the right to particulars, discovery and production under the rules in all matters touching upon the custody, maintenance and education of a child to which this rule applies, whether or not any such matter is in issue in the proceedings. R.R.O. 1970, Reg. 545, r. 796; O. Reg. 301/70, s. 25; O. Reg. 36/73, s. 33; O. Reg. 437/73, s. 2.

INTERVENTION

797.—(1) At any time prior to the granting of the decree nisi Her Majesty's Proctor may, upon the direction of the Attorney General, apply to a judge or the judge presiding at the proceeding for leave to intervene for the purpose of showing why the decree nisi should not be granted.

(2) Where Her Majesty's Proctor so applies prior to the hearing, he shall file notice of application in the office in which the proceedings were commenced and shall serve copies thereof upon all parties and thereafter shall be served with copies of all the proceedings.

(3) Where the judge grants leave to intervene he shall give directions as to appearance and procedure with respect to Her Majesty's Proctor and such directions shall include leave to Her Majesty's Proctor to subpoena witnesses to attend at the hearing. R.R.O. 1970, Reg. 545, r. 797.

798. Upon the hearing or on the trial of an issue in the proceedings, Her Majesty's Proctor may cross-examine any witness other than a witness,

- (a) who is called by Her Majesty's Proctor; and
- (b) who is not proven adverse; and
- (c) who has not previously been a witness in the hearing. R.R.O. 1970, Reg. 545, r. 798.

HEARING

798a. From time to time the Chief Justice of the High Court shall appoint sittings in each county and district for the hearing of matrimonial causes by local judges of the Supreme Court who have been appointed local judges of the High Court of Justice for Ontario by the Governor General, and such sittings shall be styled Matrimonial Causes Sittings. O. Reg. 284/71, s. 8.

799.—(1) A petitioner shall include in the notice of petition a notice that the proceeding will be set down for hearing at the place proposed by the petitioner in his petition which shall designate either a sittings of the High Court or a Matrimonial Causes Sittings, and that in default of appearance or answer such proceeding may be so set down without further notice. O. Reg. 284/71, s. 9, *part*.

(2) A proceeding shall be set down for hearing as proposed by the petitioner in his petition but a judge of the High Court, on the application of a petitioner or a respondent who has filed an answer, may order that the proceedings be transferred to a sittings of the High Court or to a Matrimonial Causes Sittings, as the case may be, and in such event the applicant shall forthwith serve all other parties to the proceeding with a Notice of Transfer according to Form 147 together with a copy of the transferring order and file the same with proof of service within ten days of the date of the entry of the order or, in default of the applicant so doing, any other party may transfer the hearing in accordance with the order. O. Reg. 284/71, s. 9, *part*.

(3) In all other cases notice of hearing shall be served, and where the respondent is not represented by a solicitor, the service shall be personal unless otherwise ordered. (Form 146). R.R.O. 1970, Reg. 545, r. 799 (2); O. Reg. 284/71, s. 9, *part*.

(4) Except at Toronto, a proceeding shall be set down for hearing at least ten days before the commencement of the sittings at which the petitioner proposes to have it heard. R.R.O. 1970, Reg. 545, r. 799 (3); O. Reg. 284/71, s. 9, *part*.

800. No petition shall be heard and a registrar shall not put a petition on a daily list for hearing until a certificate or report issued subsequent to the filing of the petition pursuant to regulations under the *Divorce Act* (Canada) as to prior pending petitions presented by either spouse has been received by him. R.R.O. 1970, Reg. 545, r. 800.

801.—(1) Where, after proceeding to the hearing of evidence, a judge grants an adjournment of the proceedings under subsection 8 (1) of the *Divorce Act* (Canada), the application for resumption of the proceedings under subsection (2) of the said section shall be to the same judge. R.R.O. 1970, Reg. 545, r. 801 (1).

(2) Where, before proceeding to the hearing of the evidence, a judge grants an adjournment of the proceedings under subsection 8 (1) of the *Divorce Act* (Canada), the application for resumption of the proceedings under subsection (2) of the said section shall be to any judge. R.R.O. 1970, Reg. 545, r. 801 (2); O. Reg. 520/78, s. 47.

802. Where there has been default of answer, no decree shall be pronounced unless it is clearly shown at the hearing that the respondents in the proceedings were duly served. R.R.O. 1970, Reg. 545, r. 802.

803.—(1) In any matrimonial cause, in addition to the power of adjournment under subsection 8 (1) of the *Divorce Act* (Canada), the court may direct that the hearing be adjourned to such time and place as the court considers best and in proper cases may direct that the registrar forthwith give notice of the proceedings and the state thereof and the court's reasons for such direction to Her Majesty's Proctor, and may, in its discretion, direct any party to deliver to Her Majesty's Proctor a copy of the pleadings, of examinations for discovery, if any, and of any evidence adduced, or of such parts of any of them as the court considers proper.

(2) Where such notice is given Her Majesty's Proctor shall appear before the court and, subject to any direction of the Attorney General, make his submissions and otherwise participate in the proceedings as the court may allow. R.R.O. 1970, Reg. 545, r. 803.

803a.—(1) Any judge of The High Court of Justice may refer any question or issue arising under the *Divorce Act* (Canada) relating to corollary relief to a Family Law Commissioner for inquiry and report.

(2) The duties of a Family Law Commissioner in any proceeding under the *Divorce Act* (Canada) will be to inquire into any question or issue referred to such Commissioner by a judge of the High Court and report to the judge in such manner and at such times as shall be laid down by the judge from time to time, provided that the parties appearing before the Commissioner shall have notice of the time of considering the report by the judge and the right to be heard and provided further that any decree or order made after the inquiry or report of any Family Law Commissioner shall be the decree or order of the judge of the High Court. O. Reg. 1/79, s. 4.

DECREES

804.—(1) Subject to subrule (2), a decree *nisi* shall be according to Form 148 and a decree absolute granted at the hearing shall be according to Form 149 and a decree absolute other than one granted at the hearing shall be according to Form 152.

(2) Unless relief is granted against a co-respondent, the name of such co-respondent should not appear in

the style of cause in either the decree *nisi* or the decree absolute. O. Reg. 285/71, s. 20.

805.—(1) Unless service is dispensed with by the judge who presides at the hearing, copies of the decree granted at the hearing shall be served personally, or by ordinary mail addressed to the respondent spouse at such address as the said judge shall direct in the decree, and where rule 796 applies, to the Official Guardian.

(2) Unless otherwise ordered by a judge, the decree *nisi* shall not be made absolute until after the expiration of one month from the date of service upon the respondent and, where required, upon the Official Guardian. R.R.O. 1970, Reg. 545, r. 805.

806.—(1) An application by a petitioner for decree absolute shall be made to the court by filing in the office in which the proceedings were commenced on any day after the expiration of the period that must intervene before the decree *nisi* may be made absolute,

- (a) a notice of application according to Form 150;
- (b) the original decree *nisi* or certified copy thereof together with proof of service unless such service has been dispensed with; and
- (c) an affidavit of the applicant sworn within fifteen days of the filing of the notice of application setting out whether,
 - (i) any appeal to the Court of Appeal for Ontario or to the Supreme Court of Canada is pending,
 - (ii) any petition for divorce has been served on him by the respondent spouse, and
 - (iii) the spouses are reconciled.

(2) The registrar shall thereupon search or cause a search to be made of the court records to ascertain whether,

- (a) an appeal from the decree *nisi* is pending or any appeal taken has been abandoned or dismissed;
- (b) an order has been made extending the time for appealing from the decree *nisi* and, if so, whether such time has expired without an appeal having been taken; and
- (c) a notice of desire to show cause why the decree *nisi* should not be made absolute has been filed. R.R.O. 1970, Reg. 545, r. 806 (1, 2).

(3) The registrar shall issue a certificate according to Form 151 as to such search and within

ten days thereafter, upon requisition of the petitioner, shall present or cause to be presented the notice of application, the petitioner's affidavit and such certificate to a judge sitting anywhere in Ontario, whereupon such judge may pronounce a decree absolute without the appearance of counsel in the first instance and so endorse the notice of application. R.R.O. 1970, Reg. 545, r. 806 (3); O. Reg. 520/78, s. 48.

(4) Where a judge decides that a decree absolute should not be granted in the first instance he shall adjourn the application and direct that notification of such adjournment be given by the registrar to the petitioner and may direct that the petitioner serve notice of the application on any person.

(5) Where the application is adjourned,

- (a) the judge shall endorse on the notice of application his reasons therefor;
- (b) the papers shall be returned to the office where the proceedings were commenced, unless the judge otherwise directs. R.R.O. 1970, Reg. 545, r. 806 (4, 5).

807.—(1) An application by a respondent spouse for decree absolute under subsection 13 (4) of the *Divorce Act* (Canada) shall be by motion to a judge sitting at the place where the proceedings were commenced or under rule 237 or, where applicable, under rule 239 on at least seven days notice to the other spouse and shall be supported by,

- (a) a certified copy of the decree *nisi*, if issued;
- (b) his affidavit setting out whether,
 - (i) any appeal to the Court of Appeal for Ontario or to the Supreme Court of Canada is pending,
 - (ii) he has filed a petition for divorce, and
 - (iii) the spouses are reconciled; and

(c) the certificate required by subrule 806 (3). R.R.O. 1970, Reg. 545, r. 807 (1); O. Reg. 284/71, s. 10.

(2) Where the decree *nisi* has not been issued the court may upon such motion direct that the same be issued. R.R.O. 1970, Reg. 545, r. 807 (2).

808.—(1) Where a decree absolute has been granted, the registrar shall prepare the decree, and where it was granted at a place other than the place where the proceedings were commenced, shall certify and forward the same together with the papers forthwith to the registrar at the office where the proceedings were commenced.

(2) All decrees absolute shall be issued forthwith by the registrar in the office in which the proceedings were commenced. R.R.O. 1970, Reg. 545, r. 808.

Showing Cause After Decree Nisi

809.—(1) During the period between the granting of the decree nisi and the granting of the decree absolute, any person, including Her Majesty's Proctor, may give notice of desire to show cause why the decree nisi should not be made absolute by reason of the same having been obtained by collusion or by reason of the reconciliation of the parties or by reason of any other material facts.

(2) Such notice shall set forth the grounds upon which it is alleged that the decree nisi should not be made absolute and shall be filed in the office in which the proceedings were commenced and be served upon the petitioner and upon Her Majesty's Proctor.

(3) The person giving such notice and any party to the proceedings and Her Majesty's Proctor may apply on notice to a judge for directions.

(4) The judge may dismiss the application to show cause or may rescind the decree nisi or may require further inquiry to be made or may direct the trial of an issue and may direct the delivery of pleadings and particulars and the production of documents for the purpose of such trial and may permit examinations for discovery and may permit parties and the person who gives the notice and Her Majesty's Proctor to subpoena witnesses for such trial, or may make such further order as the judge thinks fit. R.R.O. 1970, Reg. 545, r. 809.

General

810. The costs in a matrimonial cause are in the discretion of the presiding judge, and shall be recoverable in the same way as in ordinary actions and, unless otherwise ordered, shall be on the Supreme Court scale whether the proceeding is heard at a Matrimonial Causes Sittings or at a High Court Sittings. O. Reg. 284/71, s. 11.

811. The affidavits required of a party by these rules are not necessary if such party is a mentally incompetent person or is a person who has been declared incapable, but the committee, next friend or guardian of such party shall, in lieu thereof, file an affidavit showing that he has made careful inquiry into the facts and that to the best of his knowledge, information and belief the facts required to be deposed to, if the party were mentally competent or capable, are true. R.R.O. 1970, Reg. 545, r. 811.

812.—(1) An application to vary or rescind an order for corollary relief granted at the hearing shall be by

motion to a judge sitting at the place where the proceedings were commenced or under rule 237 or, where applicable, under rule 239 on at least seven days notice. R.R.O. 1970, Reg. 545, r. 812; O. Reg. 284/71, s. 12.

(2) An applicant for an order to vary or rescind an order for corollary relief, other than access, shall serve and file a statement of property and a statement of financial information.

(3) The judge to whom such an application is made may order the respondent to serve and file a statement of property and a statement of financial information and in the order may specify the period of time within which the respondent must comply with the order. O. Reg. 933/79, s. 11.

813.—(1) Where an order has been made by any other superior court in Canada under section 10 or 11 of the *Divorce Act* (Canada), the registration of such order pursuant to section 15 of the said Act shall be effected by filing an exemplification or certified copy of the order in the office of the Registrar of the Supreme Court, whereupon it shall be entered as an order of the court.

(2) The exemplification or certified copy of the order shall be filed with the Registrar by delivering the same by hand or by forwarding the same by ordinary mail accompanied by,

- (a) a written request that it be registered pursuant to the said Act; and
- (b) a certified cheque or money order in the amount of \$5. R.R.O. 1970, Reg. 545, r. 813.

Registrar

814. Upon the filing of a notice of appeal from a decree nisi or upon the making of an order extending the time for such an appeal, the Registrar at Toronto shall forthwith notify the registrar in the office in which the proceedings were commenced of such appeal or order and such registrar shall thereupon record the same. R.R.O. 1970, Reg. 545, r. 814.

815. The registrar in the office in which the proceedings were commenced shall complete the forms required by the regulations under the *Divorce Act* (Canada) and forward the same to the Central Divorce Registry at Ottawa as required by such regulations. R.R.O. 1970, Reg. 545, r. 815.

MEETING OF JUDGES

816. Meetings of the judges of the Supreme Court or of the High Court may be called by instruction of the Chief Justice of Ontario or of the Chief Justice of the High Court or of any two judges. R.R.O. 1970, Reg. 545, r. 816.

FORMS

817.—(1) The forms contained in the Appendix hereto shall be used with such variations or modifications as circumstances may require, and any variance therefrom, not being in matter of substance, does not affect their regularity.

(2) The provisions contained in the form prescribed shall be deemed to be authorized by these rules. R.R.O. 1970, Reg. 545, r. 817.

APPENDIX OF FORMS

GENERAL PROVISIONS APPLICABLE TO ALL WRITS
AND SIMILAR DOCUMENTS ISSUED BY THE
COURT

All writs shall be in the court and cause, see rule 192.

All writs shall conclude with the words prescribed by rule 5 in the case of writs of summons.

There shall be endorsed upon every writ a statement of the plaintiff's residence and the name of the solicitor issuing the writ and his address in the form following:

The writ was issued by *E.F.*, of, solicitor for the said plaintiff who resides at
[or, This writ was issued by the plaintiff in person

who resides at] [*In either case mention the city, town or township, and also the name of the street and number of the house of the plaintiff's residence, if any, or, in the case of a township, the number of the lot and concession*]. (See rules 11 and 12.)

WRITS OF SUMMONS AND NOTICES
IN LIEU THEREOF

Form 1

GENERAL FORM OF WRIT OF SUMMONS

(NOT SPECIALLY ENDORSED)

(RULES 5 AND 6)

(Court and Cause)

Name and title of the Sovereign

To *C.D.*, of, *etc.*

WE COMMAND that, if you wish to defend this action, either you or your lawyer shall file an Appearance in the office of this Court at within ten days after the day this Writ was served upon you;

AND TAKE NOTICE that, where a Statement of Claim is also served with this Writ, or is served upon you at some later date, and you fail to serve upon the plaintiff or his lawyer AND file your Statement of Defence in the same Court office within twenty days after the Statement of Claim has been filed and served upon you, pleadings may be noted closed against you and you may not be permitted to deliver your Statement of Defence;

AND FURTHER TAKE NOTICE that where pleadings have been noted closed against you, you may be deemed to have admitted the plaintiff's claim and you may not be entitled to notice of any motion for judgment or notice of trial, AND JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE.

IN WITNESS WHEREOF, *etc.*, (*as in Rules 5 or 766, as the case may be*)

Memorandum to be subscribed on the Writ

N.B. This Writ is to be served within twelve calendar months from the date thereof, or, if renewed, within twelve calendar months from the date of such renewal, including the day of such date, and not afterwards.

Endorsement to be made on the Writ

The plaintiff's claim is for, *etc.*, (*as in Form 7 or as may be*)

O. Reg. 36/73, s. 34, *part*; O. Reg. 569/75, s. 7.

Form 2

REVOKED: O. Reg. 156/68, s. 19.

Form 3

NOTICE FOR SERVICE OUT OF ONTARIO

(Court and Cause)

To *C.D.* of, *etc.*

TAKE NOTICE that the plaintiff has issued a Writ of Summons in this Court against you for the relief set out in the Statement of Claim served herewith;

AND TAKE NOTICE that you are served with this Notice pursuant to the provisions of Rule 25 (1) (); *Insert here the appropriate clause or clauses of Rule 25 (1).*

AND TAKE NOTICE that, if you wish to defend this action, either you or an Ontario lawyer on your behalf shall file an Appearance and serve upon the plaintiff or his lawyer AND file your Statement of Defence in the office of this Court at

.....within the time hereinafter stated:

Where you are served out of Ontario but elsewhere in Canada or within one of the United States of America, within forty days after service on you of this Notice; or

Where you are served elsewhere than in Canada or one of the United States of America, within sixty days after service on you of this Notice;

AND TAKE NOTICE that if you fail to do so, pleadings may be noted closed against you and you may not be permitted to deliver your Statement of Defence.

AND TAKE NOTICE that, where pleadings have been noted closed against you, you may be deemed to have admitted the plaintiff's claim and you may not be entitled to notice of any motion for judgment or notice of trial, AND JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE.

Where the writ is specially endorsed, substitute the notice immediately following for those appearing above:

TAKE NOTICE that the plaintiff has issued a Writ of Summons in this Court against you for the relief set out in the special endorsement on the Writ of Summons a copy of which endorsement reads as follows:

AND TAKE NOTICE that you are served with this Notice pursuant to the provisions of Rule 25 (1) (); *Insert here the appropriate clause or clauses of Rule 25 (1).*

AND TAKE NOTICE that, if you wish to defend this action, either you or an Ontario lawyer on your behalf shall,

- (1) serve upon the plaintiff or his lawyer a copy of an affidavit of merits showing the nature of your defence, including the facts and circumstances which you believe entitle you to defend the action; and

- (2) file such affidavit, with proof of service thereof, together with an Appearance, in

the office of this Court at.....within the time hereinafter stated:

Where you are served out of Ontario but elsewhere in Canada or within one of the United States of America, within forty days after service on you of this notice; or

Where you are served elsewhere than in Canada or one of the United States of America, within sixty days after service on you of this notice;

AND TAKE NOTICE that if you fail to do so, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE.

AND TAKE NOTICE that if you pay to the plaintiff the amount of his claim within the time you are required to file your Appearance, further proceedings will be stayed; and if you believe the amount claimed for costs to be excessive, you may have them taxed by the Court.

Where the party to be served out of Ontario is a defendant added by counterclaim, substitute the notice immediately following for those appearing above;

TAKE NOTICE that the defendant in this action has delivered a counterclaim against the plaintiff and you and has issued a Summons in this Court against you in respect of this counterclaim;

AND TAKE NOTICE that you are served with this Notice pursuant to the provisions of Rule 25 (1) (); *Insert here the appropriate clause or clauses of Rule 25 (1).*

AND TAKE NOTICE that, if you wish to defend this counterclaim, either you or an Ontario lawyer on your behalf shall file an Appearance and serve upon the defendant or his lawyer AND file your Statement of Defence to the Counterclaim in the

office of this Court at.....within the time hereinafter stated:

Where you are served out of Ontario but elsewhere in Canada or within one of the United States of America, within forty days after service on you of this Notice; or

Where you are served elsewhere than in Canada or one of the United States of America, within sixty days after service on you of this Notice.

AND TAKE NOTICE that if you fail to do so, pleadings may be noted closed against you and you may not be permitted to deliver your Statement of Defence to the Counterclaim;

AND TAKE NOTICE that where pleadings have been noted closed against you, you may be deemed to have admitted the claim of the plaintiff by counterclaim and you may not be entitled to notice of any motion for judgment or notice of trial, AND JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE.

Where the party to be served out of Ontario is a Third Party, substitute the notices immediately following for those appearing above:

TAKE NOTICE that the plaintiff has commenced an action against the defendant for the relief

set out in the Statement of Claim (or in the special endorsement on the Writ of Summons as the Case may be);

AND TAKE NOTICE that you are served with this Notice pursuant to the provisions of Rule 25 (1) (); *Insert here the appropriate clause or clauses of Rule 25 (1).*

AND TAKE NOTICE that the defendant disputes the plaintiff's claim on the grounds appearing in his Statement of Defence (or Affidavit of Merits as the case may be) and in the event that the defendant is held liable to the plaintiff, the defendant claims to be entitled to relief over against you on the grounds set out in the Statement of the Defendant's claim against the Third Party.

AND TAKE NOTICE that if you desire to dispute your liability to the defendant, or the plaintiff's claim in the action as against the defendant, either you or an Ontario lawyer on your behalf shall file an Appearance and serve upon the defendant or his lawyer AND file your Statement of Defence to the Statement of the Defendant's Claim against the Third Party to be entitled STATEMENT OF DEFENCE OF THIRD PARTY TO CLAIM OF THE DEFENDANT and, if so advised, your Statement of Defence to the Plaintiff's Statement of Claim to be entitled STATEMENT OF DEFENCE OF THE THIRD PARTY TO THE STATEMENT OF CLAIM OF THE PLAINTIFF, within the time hereinafter stated;

Where you are served out of Ontario but elsewhere in Canada or within one of the United States of America, within forty days after service on you of this Notice; or

Where you are served elsewhere than in Canada or one of the United States of America, within sixty days after service on you of this Notice;

AND TAKE NOTICE that if you fail to file an Appearance and file and serve your Statement of Defence to the Defendant's Statement of Claim, pleadings may be noted closed against you and you may not be permitted to deliver your Statement of Defence;

AND TAKE NOTICE that where pleadings have been noted closed against you, you may be deemed to admit the validity of any judgment obtained against the defendant and your own liability to contribute or indemnify the defendant to the extent claimed in the defendant's Statement of Claim and you may not be entitled to notice of any motion for judgment or notice of trial, AND JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE.

NOTE: *Where action was commenced by a specially endorsed writ, the notices immediately above shall be modified so as to comply with the provisions of Rule 171e.*

Where the party to be served out of Ontario is a respondent in a proceeding commenced by an Originating Notice of Motion, substitute the notices immediately following for those appearing above:

TAKE NOTICE that the applicant in this matter has filed an Originating Notice of Motion in this Court in which you are named as a respondent for the relief set out in the Notice of Motion served herewith;

AND TAKE NOTICE that you are served with this Notice pursuant to the provisions of Rule 25 (1) (); *Insert here the appropriate clause or clauses of Rule 25 (1).*

AND TAKE NOTICE that if you wish to oppose this motion either you or an Ontario lawyer on your behalf shall file an Appearance in the office of

this Court atwithin the time hereinafter stated;

Where you are served out of Ontario but elsewhere in Canada or within one of the United States of America within forty days after service on you of this Notice; or

Where you are served elsewhere than in Canada or one of the United States of America, within sixty days after service on you of this Notice;

AND TAKE NOTICE that you shall forthwith serve the Appearance upon the applicant or his lawyer;

AND TAKE NOTICE that if you fail to do so, you will not be entitled to file any material on the motion and THE MATTER MAY BE HEARD AND DISPOSED OF IN YOUR ABSENCE.

Dated at this day of 19....

(Signed).....

Solicitor for.....

O. Reg. 106/75, s. 27; O. Reg. 569/75, s. 8.

Form 4

REVOKED. O. Reg. 156/68, s. 19.

Form 5

REVOKED: O. Reg. 106/75, s. 28.

Form 6

REVOKED. O. Reg. 156/68, s. 19.

Form 7

ENDORSEMENTS ON WRITS OF SUMMONS

(RULES 5 AND 32)

Money Claims (where Writ is not Specially Endorsed)

The plaintiff's claim is \$..... for the price of goods sold.

The plaintiff's claim is \$..... for money lent [and interest].

The plaintiff's claim is \$..... whereof \$..... is the price of goods sold, and \$..... for money lent, and \$..... for interest.

The plaintiff's claim is \$..... for arrears of rent.

The plaintiff's claim is \$..... for arrears of salary as a clerk [or as the case may be].

The plaintiff's claim is \$..... for interest upon money lent.

The plaintiff's claim is \$..... for penalties under the Statute R.S.O. Ch.

The plaintiff's claim is \$..... for fees for work done [and \$..... money expended] as a solicitor.

The plaintiff's claim is \$..... for commission as [state character as auctioneer, broker, etc.].

The plaintiff's claim is \$..... for medical attendance.

The plaintiff's claim is \$..... for the warehousing of goods.

The plaintiff's claim is \$..... for the use and occupation of a house.

The plaintiff's claim is \$..... for work done.

The plaintiff's claim is \$..... for board and lodging.

The plaintiff's claim is \$..... for money received by the defendant as agent of the plaintiff.

The plaintiff's claim is \$..... for a return of money obtained from the plaintiff by fraud.

The plaintiff's claim is \$..... for a contribution in respect of money paid by the plaintiff as surety.

The plaintiff's claim is \$..... upon a policy of insurance upon the life of X.Y., deceased.

The plaintiff's claim is \$..... upon a bond to secure payment of \$1,000 and interest.

The plaintiff's claim is \$..... upon a bill of exchange accepted [or drawn or endorsed] by the defendant.

The plaintiff's claim is \$..... upon a promissory note made [or endorsed] by the defendant.

The plaintiff's claim is \$..... against the defendant A.B., as acceptor, and against the defendant C.D. as drawer [or endorser] of a bill of exchange.

The plaintiff's claim is \$..... for calls upon shares.

Claims for Damages and other Relief

The plaintiff's claim is for damages for breach of a contract to employ the plaintiff as traveller.

The plaintiff's claim is for damages for wrongful dismissal from the defendant's employment as traveller [and \$..... for arrears of wages].

The plaintiff's claim is for damages for the defendant's wrongfully quitting the plaintiff's employment as manager.

The plaintiff's claim is for damages for breach of duty as factor [or, etc.] of the plaintiff [and \$.... for money received as factor, etc.].

The plaintiff's claim is for damages for breach of the terms of a deed of apprenticeship of X.Y. to the defendant [or plaintiff].

The plaintiff's claim is for damages for non-compliance with the award of X.Y.

The plaintiff's claim is for damages for assault [and false imprisonment; and for malicious prosecution].

The plaintiff's claim is for damages by reason of the defendant's negligence while acting as solicitor of the plaintiff.

The plaintiff's claim is for damages for negligence in the custody of goods [and for wrongfully detaining the same].

The plaintiff's claim is for damages for negligence in the keeping of goods pawned [and for wrongfully detaining the same].

The plaintiff's claim is for damages for negligence in the custody of furniture lent on hire [or a carriage lent], [and for wrongfully, etc.].

The plaintiff's claim is upon a bond conditioned not to carry on the trade of a.....

The plaintiff's claim is for damages for breach of duty in and about the carriage and delivery of machinery by sea.

The plaintiff's claim is for wrongfully depriving plaintiff of goods, household furniture, etc., being, etc.

The plaintiff's claim is for damages for libel. The libel complained of was published (*give date and manner of publication*).

The plaintiff's claim is for damages for slander. The slander complained of was the speaking of the words (*quote them*) on the day of.....

The plaintiff's claim is to recover possession of goods wrongfully distrained, being, etc.

The plaintiff's claim is for damages for improperly distraining.

The plaintiff's claim is for damages for fraudulent misrepresentation on the sale of a horse [*or a business, or shares, or etc.*].

The plaintiff's claim is for damages for fraudulent misrepresentation of the credit of *A.B.*

The plaintiff's claim is for a loss under a policy of fire insurance upon house and furniture.

The plaintiff's claim is for damages for breaches of covenants contained in the lease of a farm.

The plaintiff's claim is for damages for injury to the plaintiff from the defendant's negligence as a medical man.

The plaintiff's claim is for damages for injury to the plaintiff by the negligent driving of the defendant or his servants.

The plaintiff's claim is for damages for injury to the plaintiff while a passenger on the defendant's railway by the negligence of the defendant's servants.

The plaintiff's claim is as executor of *A.B.* deceased, for damages for the death of the said *A.B.*, from injuries received, while a passenger on the defendant's railway, by the negligence of the defendant's servants.

The plaintiff's claim is for damages for breach of promise of marriage.

The plaintiff's claim is for damages for the seduction of the plaintiff's daughter.

The plaintiff's claim is for damages for breach of contract to accept and pay for goods.

The plaintiff's claim is for damages for breach of warranty of a horse.

The plaintiff's claim is for damages for the infringement of the plaintiff's patent.

The plaintiff's claim is to recover possession of a house No.....in.....street, in the City of; [*or of the N.E. ¼ of Lot 2, in the 3rd Concession of the Township of.....in the County of.....*]. And for mesne profits. And for an account of rents or arrears of rent.

If an injunction is claimed.

The plaintiff's claim is for an injunction to restrain the defendant from.....

Claims for Equitable Relief

The plaintiff's claim is as creditor of *X.Y.*, of , deceased, to have the [real and] personal estate of the said *X.Y.* administered. The defendant *C.D.*, is sued as the administrator [*or executor*] of the said *X.Y.* [and the defendants *E.F.* and *G.H.* as his co-heirs-at-law].

The plaintiff's claim is as a legatee under the will, dated the.....day of....., 19.... of *X.Y.*, deceased, to have the [real and] personal estate of the said *X.Y.* administered. The defendant *C.D.* is sued as the executor of the said *X.Y.* [and the defendants *E.F.* and *G.H.* as his devisees].

The plaintiff's claim is to have an account taken of the partnership dealings between the plaintiff and defendant [under articles of partnership, dated the.....day of....., 19....], and to have the affairs of the partnership wound up.

The plaintiff's claim is to have the trusts of an indenture, dated the.....day of....., 19...., and made between....., carried into execution.

The plaintiff's claim is to have a deed dated the.....day of....., 19...., and made between (*parties*), set aside or rectified.

The plaintiff's claim is for specific performance of an agreement dated the.....day of....., 19...., for the sale by the plaintiff to the defendant of certain [*freehold*] hereditaments at.....

The plaintiff's claim is for alimony; and the plaintiff demands as interim alimony until the trial of the action the monthly [*or weekly*] sum of \$.... to be paid to her on the.....day of each month [*or week*] at.....and the interim costs to which she is entitled by the practice in that behalf.

Statement of Character of Parties
(*To be introduced into the Endorsement of the Claim*)

The plaintiff's claim is as executor for administrator of *C.D.*, deceased, for.....

The plaintiff's claim is against the defendant *A.B.*, as executor [*or, etc.*] of *C.D.*, deceased, for

The plaintiff's claim is against the defendant *A.B.*, as executor of *X.Y.*, deceased, and against the defendant *C.D.*, in his personal capacity, for

The claim of the plaintiff is against the defendant as executrix of *C.D.*, deceased, for

The plaintiff's claim is as assignee in insolvency of *A.B.*, for

The plaintiff's claim is against the defendant as assignee in insolvency of *A.B.*, for

The plaintiff's claim is as [*or the plaintiff's claim against the defendant as*] trustee under the will of *A.B.*, [*or under the settlement upon the marriage of A.B. and X.Y.*, his wife], for

The plaintiff's claim is against the defendant as heir-at-law of *A.B.*, deceased, for

The plaintiff's claim is against the defendant *C.D.*, as heir-at-law, and against the defendant *E.F.*, as devisee of lands under the will of *A.B.*, deceased, for

The plaintiff's claim is as well for Her Majesty the Queen as for himself, for

R.R.O. 1970, Reg. 545, Form 7.

Form 8

SPECIALLY ENDORSED WRIT

(RULE 33)

(Court and Cause)

Name and title of the Sovereign

To *C.D.*, of, *etc.*

WE COMMAND that, if you wish to defend this action, either you or your lawyer shall,

- (1) serve upon the plaintiff or his lawyer a copy of an Affidavit of Merits showing the nature of your defence, including the facts and circumstances which you believe entitle you to defend the action; AND

- (2) file such affidavit, with proof of service thereof, together with an Appearance, in the office of this Court at

within fifteen days after the day this writ was served upon you;

AND TAKE NOTICE that if you fail to do so, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE.

AND FURTHER TAKE NOTICE that if you pay to the plaintiff the amount of his claim within the time you are required to file your Appearance, further proceedings will be stayed; and if you believe the amount claimed for costs to be excessive, you may have them taxed by the Court.

Where a claim not falling within the provisions of rule 33 is to be added to the specially endorsed claim, add:

The above command being applicable only to that part of the plaintiff's claim that is specially endorsed;

WE FURTHER COMMAND that, insofar as this Writ is generally endorsed, if you wish to defend this action, either you or your lawyer shall file an Appearance in the office of this Court at within fifteen days after the day this Writ was served upon you;

AND TAKE NOTICE that, where a Statement of Claim is also served with this Writ, or is served upon you at some later date, and you fail to serve upon the plaintiff or his lawyer AND file your Statement of Defence in the same Court office within twenty days after the Statement of Claim has been filed and served upon you, pleadings may be noted closed against you and you may not be permitted to deliver your Statement of Defence;

AND FURTHER TAKE NOTICE that where pleadings have been noted closed against you, you may be deemed to have admitted the plaintiff's claim and you may not be entitled to notice of any motion for judgment or notice of trial, AND JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE.

IN WITNESS WHEREOF, *etc.*, (as in Rule 5 or 766, as the case may be)

N.B. This Writ is to be served within twelve calendar months from the date thereof, or if renewed, within twelve calendar months from the date of such renewal, including the day of such date and not afterwards.

Endorsements to be made on the Writ

The plaintiff's claim is (as in Form 8A or as may be)

NOTE: In all cases of special endorsement, the specific claim shall be followed by this clause:

"and the plaintiff further claims \$..... for costs".

O. Reg. 36/73, s. 34, *part*; O. Reg. 569/75, s. 9.

Form 8A

SPECIAL ENDORSEMENTS ON WRITS
OF SUMMONS

(RULE 33)

1. *Claim for repayment of money [Rule 33 (1) (a)].*

The plaintiff's claim is for money lent by the plaintiff to the defendant at his request and which is due and unpaid.

The following are the particulars:

Date To money lent by the plaintiff to the defendant and in respect of which the defendant gave to the plaintiff a written promise to pay (or I.O.U.) dated the....day of....., 19.. \$

(If time fixed for repayment so state)

Interest thereon to the date hereof at the rate of....per cent per annum agreed to by the defendant in the said written promise.... \$

Amount due..... \$

The plaintiff also claims interest on the sum of \$.....at the rate aforesaid (or as the case may be) from the date hereof to the date of payment or judgment.

CERTIFICATE OF SOLICITOR

I believe the above claim is one which comes within the provisions of rule 33.

.....
(signature of solicitor
issuing writ, or plaintiff
when he sues in person)

2. *Claim for repayment of money lent for benefit of defendant [Rule 33 (1) (a)].*

The plaintiff's claim is against the defendant for money due and owing on a loan made by the plaintiff for the benefit of the defendant.

The following are the particulars:

The plaintiff made a loan to the defendant of \$.....on the.....day of....., 19..., in accordance with an acknowledgment, signed by the defendant in favour of the plaintiff, and reading as follows: (for example)

"To: A.B.

150.....Ave.,

Toronto, Ontario.

This is to acknowledge accounts paid by you amounting to \$.....on behalf of development of international communications program.

Such amount is accepted as a loan from you to me repayable on or before the....day of....., 19..., with interest atper cent per annum from the....day of....., 19...

Date (Signed)....."C.D."....."

Date Amount due..... \$

Interest at the rate of....per cent

per annum from.....19.....

to.....19..... \$

Amount due..... \$

(If interest is claimed to date of payment or judgment, so state)

Add: CERTIFICATE OF SOLICITOR as in Claim 1

3. *Claim for arrears of rent [Rule 33 (1) (a)].*

The plaintiff's claim is against the defendant for arrears of rent under a written lease dated the....day of....., 19..., made between..... and....., under which the plaintiff leased to the defendant the premises known as..... for a term of.....at a rental of \$..... per month (or as the case may be).

The following are the particulars (for example):

Rent for the months of.....at the rate of \$.....per..... \$

(If the plaintiff has made other payments, e.g., water rates, taxes, which the defendant was obligated to pay under the lease, give particulars)..... \$

Amount due..... \$

Add: CERTIFICATE OF SOLICITOR as on Claim 1

4. Claim for price of goods sold and delivered [Rule 33 (1) (b)].

The plaintiff's claim is against the defendant for the price of goods sold and delivered to the defendant.

The following are the particulars: (for example)

Date	25 Automobile radios No. 5.....	\$
	50 Automobile radios No. 6.....	\$
	(If interest is claimed so state and give particulars).....	\$
	Amount due.....	\$

(If interest is claimed to date of payment or judgment, so state)

Add: CERTIFICATE OF SOLICITOR as in Claim 1

5. Claim for balance due where there is a running account and invoices have been rendered [Rule 33 (1) (b)].

The plaintiff's claim (for example) is for the balance of the price of building materials sold and delivered to the defendant.

The following are the particulars:

Date	Debits	Credits	Balance
Jan. 1, 19... Invoice			
	No. 1050 \$ 270.00		\$ 270.00
Feb. 12, 19... Invoice			
	No. 1222 750.00		1020.00
Feb. 20, 19... By cheque		\$500.00	520.00
Mar. 15, 19... Invoice			
	No. 2654 2888.00		3408.00
Apr. 12, 19... Invoice			
	No. 2960 1192.00		4600.00
Apr. 15, 19... By cheque		500.00	4100.00
	(If interest is claimed so state and give particulars)		
	Balance due.....		\$4100.00

Full particulars of the said merchandise are contained in the above invoices which have been delivered or sent to the defendant.

(If interest is claimed to date of payment or judgment, so state)

Add: CERTIFICATE OF SOLICITOR as in Claim 1.

6. Claim for price of work done [Rule 33 (1) (c)].

The plaintiff's claim is against the defendant for the price of work done.

The following are the particulars: (for example)

The plaintiff entered into a written (or oral) agreement with the defendant on (or about) the... day of....., 19...., to supply the services of a bulldozer and operator to grade the property located at in the City of at the rate of \$.... per hour. The following work was done pursuant to the said agreement:

(Set out particulars of amount of work done)

(If interest is claimed so state and give particulars).....	\$
Amount due.....	\$

An account for the said sum was rendered to the defendant on the... day of....., 19...

(If interest is claimed to date of payment or judgment, so state)

Add: CERTIFICATE OF SOLICITOR as in Claim 1.

7. Claim by payee against maker of a promissory note [Rule 33 (1) (d)].

The plaintiff's claim is against the defendant as maker of a promissory note of which the plaintiff is the holder.

The following are the particulars: (for example)

Promissory note for \$.... dated the..... day of....., 19...., made by the defendant payable to the plaintiff six months after date.

Date	Principal.....	\$
	Interest (Set out particulars of interest to date of maturity, if any, and to date of writ).....	\$
	Amount due.....	\$

(If interest is claimed to date of payment or judgment, so state)

Add: CERTIFICATE OF SOLICITOR as in Claim 1.

8. Claim by payee against maker of a promissory note payable by instalments with default clause [Rule 33 (1) (d)].

The plaintiff's claim is against the defendant as maker of a promissory note of which the plaintiff is the holder.

The following are the particulars: (*for example*)

Promissory note for \$.....dated the..... day of, 19...., made by the defendant payable to the plaintiff by instalments of \$....

on the...day of each succeeding month, subject to the condition that if default should be made in payment of any of the said instalments, the whole of the said sum of \$..... remaining unpaid at the time of the default should become immediately due and payable. The defendant paid the first three instalments but failed to pay the instalment due on

the...day of, 19...., or any part thereof on the due date or at all.

Date	Principal	\$
	Interest (<i>Set out particulars of interest to date of maturity, if any, and to date of writ</i>)	\$
	Amount due	\$

(*If interest is claimed to date of payment or judgment, so state*)

Add: CERTIFICATE OF SOLICITOR as in Claim 1.

9. *Claim by endorsee against maker of a promissory note* [Rule 33 (1) (d)].

The plaintiff's claim is against the defendant as maker of a promissory note of which the plaintiff is the holder.

The following are the particulars: (*for example*)

Promissory note for \$.....dated the..... day of, 19...., made by the defendant payable to *G.H.* or order six months after date, endorsed and delivered by the payee *G.H.* to the plaintiff.

Date	Principal	\$
	Interest (<i>Set out particulars of interest to date of maturity, if any, and to date of writ</i>)	\$
	Amount due	\$

(*If interest is claimed to date of payment or judgment, so state*)

Add: CERTIFICATE OF SOLICITOR as in Claim 1.

10. *Claim by endorsee against endorser of promissory note* [Rule 33 (1) (d)].

The plaintiff's claim is against the defendant as endorser of a promissory note of which the plaintiff is the holder.

The following are the particulars: (*for example*)

Promissory note for \$.....dated the..... day of, 19...., made by *G.H.* payable to the defendant or order six months after date, which note was endorsed by the defendant to the plaintiff. The said note was duly presented for payment and was dishonoured of which the defendant had due notice in writing.

Date	Principal	\$
	Interest (<i>Set out particulars of interest to date of maturity, if any, and to date of writ</i>)	\$
	Amount due	\$

(*If interest is claimed to date of payment or judgment, so state*)

Add: CERTIFICATE OF SOLICITOR as in Claim 1.

11. *Claim by endorsee against acceptor and drawer of a bill of exchange severally* [Rule 33 (1) (d)].

The plaintiff's claim as holder is against the defendant *C.D.* as acceptor and against the defendant *E.F.* as drawer of a bill of exchange.

The following are the particulars: (*for example*)

Bill of exchange for \$.....dated the..... day of, 19...., drawn by the defendant *E.F.* and accepted by the defendant *C.D.* and payable three months after date and endorsed by the defendant *E.F.* to the plaintiff, of the dishonour of which on presentation the defendant *E.F.* had notice.

Date	Principal	\$
	Interest (<i>Set out particulars of interest to date of maturity, if any, and to date of writ</i>)	\$
	Amount due	\$

(*If interest is claimed to date of payment or judgment, so state*)

Add: CERTIFICATE OF SOLICITOR as in Claim 1.

12. *Claim by payee against drawer of cheque* [Rule 33 (1) (d)].

The plaintiff's claim is against the defendant as drawer of a cheque.

The following are the particulars:

Cheque for \$.....dated the.....day of 19...., drawn by the defendant upon the X.Y. Bank payable to the plaintiff, which cheque was duly presented for payment on the

.....day of 19.., but dishonoured.

Date Principal..... \$
Interest (if such is claimed)..... \$

Amount due..... \$

(If interest is claimed to date of payment or judgment so state)

Add: CERTIFICATE OF SOLICITOR as in Claim 1.

13. Claim on settled account [Rule 33 (1) (e)].

The plaintiff's claim is against the defendant on an account settled, in writing, between them.

The following are the particulars:

Date Balance found to be due from the defendant to the plaintiff on an account settled, in writing, between them and dated the.... day of..... 19.... \$
Interest (set out particulars)..... \$

Amount due..... \$

(If interest is claimed to date of payment or judgment, so state)

Add: CERTIFICATE OF SOLICITOR as in Claim 1.

14. Claim for amount due under a covenant in a mortgage [Rule 33 (1) (f)].

The plaintiff's claim is against the defendant for the amount due under a covenant for payment contained in a mortgage.

The following are the particulars:

Mortgage dated the....day of.....,

19...., made betweenand....., (if a mortgage has been assigned give particulars) under which the defendant (or as the case may be) mortgaged the lands hereinafter described for a term of....years securing the sum of \$.....and

interest thereon at the rate of...per cent per annum, and which mortgage provided for payment

of principal and interest as follows: (set out terms of payment)

Default in payment of an instalment of principal and interest (or as the case may be) occurred on the

....day of....., 19...., and still continues, and the plaintiff claims payment of the amount due under the said mortgage.

Principal..... \$
(If so, Taxes paid..... \$
Insurance premiums paid..... \$
or other matters)
Interest (set out particulars)..... \$

Amount due..... \$

And the plaintiff also claims interest at the rate aforesaid upon the said sum of \$.....from the date hereof to date of payment or judgment.

The following is a description of the mortgaged premises:

(Set out description sufficient to identify the said lands)

Add: CERTIFICATE OF SOLICITOR as in Claim 1.

15. Claim for debt due under bond or other covenant [Rule 33 (1) (f)].

The plaintiff's claim is against the defendant for principal and interest due under a..... (describe instrument).

The following are the particulars: (for example)

Deed, (or Bond) dated the....day of.....,

19...., under which the defendant covenanted to pay to the plaintiff (or if a bond, conditioned for payment of) the sum of \$..... and interest (set out particulars).

Date Principal..... \$
Interest (Set out particulars)..... \$

Amount due..... \$

(If interest is claimed to date of payment or judgment, so state)

Add: CERTIFICATE OF SOLICITOR as in Claim 1.

16. Claim on a foreign judgment [Rule 33 (1) (g)].

The plaintiff's claim is against the defendant for money due on a judgment.

The following are the particulars:

The plaintiff recovered judgment dated the.... day of....., 19...., against the defendant in an action in the.....Court ofin the.....of.....

Date Judgment debt..... \$
Interest thereon at the rate of...per cent per annum from date of judgment to the date hereof..... \$
Amount due..... \$

The plaintiff also claims interest at the rate ofper cent per annum on the sum of \$..... to the date of payment or judgment.

Add: CERTIFICATE OF SOLICITOR as in Claim 1.

17. Claim under s. 19 of the Mortgages Act [Rule 33 (1) (h)].

The plaintiff's claim is to recover against the defendant being the present owner of the equity of redemption payment of the amount due under the covenant of.....(the mortgagor) contained in a mortgage dated the....day of....., 19...., which the said defendant by virtue of s. 18 of the *Mortgages Act* became personally liable to pay to the plaintiff by reason of the conveyance and transfer of the mortgaged premises from the said..... (mortgagor) under a deed dated the....day of....., 19...., wherein it was expressly provided (or under which it was implied) that the said defendant would indemnify the said..... (mortgagor) against any claims made against the said mortgagor under the said covenant.

The following are the particulars:
Mortgage dated the....day of....., 19...., made between.....and..... (if the mortgage has been assigned give particulars) under which.....mortgaged the lands hereinafter described for a term of...years securing the sum of \$.....and interest thereon at the

rate of...per cent per annum, and which mortgage provided for payment of principal and interest as follows: (set out terms of payment)

Default in payment of an instalment of principal and interest (or as the case may be) occurred on theday of....., 19...., and still continues, and the plaintiff claims payment of the amount due under the said mortgage.

Principal..... \$
(If so, Taxes paid..... \$
Insurance premiums paid..... \$
or other matters)
Interest (Set out particulars)..... \$
Amount due..... \$

The plaintiff also claims interest at the rate aforesaid upon the said sum of \$.....from the date hereof to the date of payment or judgment.

The following is a description of the mortgaged premises:

(Set out description sufficient to identify the said lands)

Add: CERTIFICATE OF SOLICITOR as in Claim 1.

18. Claim against a guarantor of a promissory note [Rule 33 (1) (i)].

The plaintiff's claim is against the defendant on a guarantee for payment of a promissory note.

The following are the particulars: (for example)
Guarantee in writing dated the....day of....., 19...., and under seal (or if not under seal set out consideration) whereby the defendant guaranteed the due payment of a promissory note for \$.....dated the....day of....., 19...., made by G.H., payable to the plaintiff six months after date, together with interest on

such amount at...per cent per annum from the date of default of the said G.H. until payment. G.H. failed to pay the said note on the due date, and the plaintiff claims payment thereof by the defendant under his guarantee.

Amount of promissory note..... \$
Interest (Set out particulars)..... \$
Amount due..... \$

The plaintiff claims interest at the rate aforesaid

on the sum of \$.....from the date hereof to the date of payment or judgment.

Add: CERTIFICATE OF SOLICITOR as in Claim 1.

19. *Claim against a guarantor on a guarantee for future advances [Rule 33 (I) (i)].*

The plaintiff's claim is against the defendant on a guarantee.

The following are the particulars: *(for example)*

Guarantee in writing dated the.....day of 19...., under seal *(or if not under seal set out consideration)* whereby the defendant guaranteed the due payment of all advances made by the plaintiff to G.H., together with interest, provided that the total amount recoverable from the defendant should not exceed \$....., together with interest on such amount at....per cent per annum from date of default of G.H. until payment.

Amount of advances and interest,
full particulars of which were delivered in writing to the defendant

dated theday of.....,

19...., \$
(or if particulars have not been supplied set out particulars of advances and interest)..... \$

(If interest is claimed to date of payment or judgment, so state)

Add: CERTIFICATE OF SOLICITOR as in Claim 1.

20. *Claim against a guarantor for the price of goods sold [Rule 33 (I) (i)].*

The plaintiff's claim is against the defendant on a guarantee for the price of goods sold and delivered.

The following are the particulars:

Guarantee in writing dated the.....day of

..... 19...., under seal *(or if not under seal set out consideration)* whereby the defendant guaranteed the due payment of the price of goods sold and delivered by the plaintiff to G.H.

(Set out particulars of goods sold and amount claimed)..... \$

(If interest is claimed to date of payment or judgment, so state)

Add: CERTIFICATE OF SOLICITOR as in Claim 1.

21. *Claim for possession of mortgaged land [Rule 33 (I) (j)].*

The plaintiff's claim is on a mortgage dated theday of....., 19...., made between

.....and.....*(if the mortgage has been assigned give particulars)* under which the defendant *(or as the case may be)* mortgaged the lands

hereinafter described for a term of...years securing the sum of \$.....and interest thereon

at the rate of....per cent per annum, and which mortgage provided for payment of principal and interest as follows: *(set out terms of payment)*

Default in payment of an instalment of principal and interest *(or as the case may be)* occurred on the

.....day of....., 19...., and still continues, and the plaintiff claims possession of the said lands.

The following is a description of the mortgaged premises:

(Set out a description sufficient to identify the lands)

Add: CERTIFICATE OF SOLICITOR as in Claim 1.

22. *Claim for possession of land or premises [Rule 33 (I) (j)].*

The plaintiff's claim is to recover possession of certain premises *(or land and premises and set out description sufficient to identify the lands or premises)* which was leased to the defendant by the plaintiff

under a written lease dated the....day of.....,

19...., for a term of....years, from the....day

of....., 19...., which term has expired *(or as the case may be)*.

Add: CERTIFICATE OF SOLICITOR as in Claim 1.

23. *Claim for recovery of possession of goods or chattels [Rule 33 (I) (k)].*

The plaintiff's claim is to recover possession of the following goods unlawfully detained by the defendant, of which the plaintiff is the owner and lawfully entitled to possession.

The following are the particulars:

(State basis of claim that plaintiff is the owner and set out description of goods. Where the plaintiff's

claim is to recover possession of chattels forming a security for money, particulars are to be given including the default under which the plaintiff's right to possession arises.)

Add: CERTIFICATE OF SOLICITOR as in Claim 1.

24. *Claim by mortgagee for sale, immediate payment and possession of [Rules 33 (1) (l) and 464].*

The plaintiff's claim is on a mortgage dated theday of....., 19...., made betweenand..... and registered (Give particulars of registration. If the mortgage has been assigned give particulars) under which the defendant (or as the case may be) mortgaged the lands

hereinafter described for a term of....years, securing the sum of \$.....and interest thereon at the rate of....per cent per annum, and which mortgage provides for payment of principal and interest as follows: (set out terms of payment)

Default in payment of an instalment of principal and interest (or as the case may be) occurred on the

....day of....., 19...., and still continues, and the plaintiff claims that the mortgage may be enforced by sale, (where desired add and payment to the plaintiff by the defendant personally of any balance).

If immediate payment is desired add, And to recover from you the defendant (naming the defendant against whom the relief is claimed) payment of the amount due under a covenant by you in that behalf contained in said mortgage.

(Or where the plaintiff claims payment from the transferee of the equity of redemption vary form by incorporating appropriate parts of Claim 17.)

If immediate possession is desired add, And to recover immediate possession of the mortgaged premises,

And take notice that the plaintiff claims that there is now due for principal money

the sum of \$.....(if so add, and for taxes paid [or premiums of insurance paid or other matters] the sum of \$.....

and for interest the sum of \$.....and that you are liable to be charged with these sums, with subsequent interest to be com-

puted at the rate of....per cent per annum, and the costs in and by the judgment to be drawn up, and that judgment for an immediate sale of your interest in the mortgaged premises may be entered unless you desire an opportunity to redeem the mortgaged premises and before the expiration of the time allowed you for appearance you do file in the office within named a notice to that effect in writing and signed by yourself or your solicitor, and give an address for service, in which case you will be entitled to four clear days' notice of the taking of the account of the amount due to the plaintiff and if you fail to redeem the mortgaged premises by paying within six calendar months from the taking of the account the amount found due thereunder your interest in the mortgaged premises may be sold.

The following is a description of the mortgaged premises: (Set out description sufficient for registration).

Add: CERTIFICATE OF SOLICITOR as in Claim 1.

25. *Claim by a mortgagee for foreclosure, immediate payment and possession [Rules 33 (1) (l) and 464].*

The plaintiff's claim is on a mortgage dated the

....day of....., 19...., made betweenand..... and registered (Give particulars of registration. If the mortgage has been assigned, give particulars) under which the defendant (or as the case may be) mortgaged the

lands hereinafter described for a term of....years, securing the sum of \$.....and interest thereon

at the rate of....per cent per annum, and which mortgage provided for payment of principal and interest as follows: (set out terms of payment)

Default in payment of an instalment of principal and interest (or as the case may be) occurred on the

....day of....., 19...., and still continues, and the plaintiff claims that the mortgage may be enforced by foreclosure.

If immediate payment is desired add, And to recover from you the defendant (naming the defendant against whom the relief is claimed) payment of the amount due under a covenant by you in that behalf contained in said mortgage.

(Or where the plaintiff claims payment from the transferee of the equity of redemption vary form by incorporating appropriate parts of Claim 17.)

If the order for immediate possession is desired add, And take notice further that the plaintiff claims to be entitled to recover immediate possession of the mortgaged premises.

If one or more subsequent encumbrancers are defendants in the action add, And take notice

that the defendant(s)..... has (or have) been made a party (or made parties) to this action because it would appear that he has (or they have) some lien, charge or encumbrance upon the mortgaged premises.

And take notice that the plaintiff claims that there is now due for principal money the sum of \$.....(if so, add, and for taxes paid [or premiums of insurance paid or other matters] the sum of \$.....) and for interest the sum of \$.....and that you are liable to be charged with these sums, with subsequent interest to be computed at the rate of.....per cent per annum, and the costs of this action, and that judgment for immediate foreclosure of your interest in the mortgaged premises may be entered unless you desire an opportunity to redeem the mortgaged premises.

If you desire an opportunity to redeem the mortgaged premises you must before the expiration of the time allowed you for appearance file in the office within named a notice to that effect in writing and signed by yourself or your solicitor and give an address for service, and, if you are a subsequent encumbrancer, that notice shall contain particulars of your claim verified by affidavit, in which case you will be entitled to four clear days' notice of the taking of the account of the amount due to the plaintiff.

And take notice that your interest in the mortgage premises may be foreclosed if you fail to redeem the mortgaged premises by paying, within six calendar months from the taking of the account, the amount found due thereunder.

If you desire a sale of the mortgaged premises instead of foreclosure and do not intend to defend the action, you must, within the time allowed for appearance, serve and file with proof of service in the office within named a notice to that effect in writing entitled in this action and signed by yourself, or your solicitor, and you must deposit in the court to the credit of this action the sum of \$150 to meet the expenses of such sale and file with the said notice a certificate of the Accountant of the Supreme Court of Ontario to the effect that such deposit has been made, in which case the judgment shall be a judgment for sale.

The following is a description of the mortgaged premises. (Set out description sufficient for registration.)

Add: CERTIFICATE OF SOLICITOR as in Claim 1.

26. Claim for redemption of mortgaged premises [Rule 33 (1) (l)].

The plaintiff's claim is to have an account taken of what, if anything, is due on a mortgage dated the....day of....., 19...., made betweenand..... (Give particulars of registration) and to redeem the mortgaged premises comprised therein.

(Set out grounds of action)

The following is a description of the mortgaged premises (Set out description sufficient for registration).

Add: CERTIFICATE OF SOLICITOR as in Claim 1.

R.R.O. 1970, Reg. 545, Form 8A; O. Reg. 307/72, s. 11; O. Reg. 36/73, s. 35.

Form 9

APPEARANCE

(RULES 36, 38, 39, AND 41)

Enter an appearance for (giving the names of all persons for whom appearance is to be entered) in this action.

Dated the....day of....., 19....

(Signed).....

(address)

If conditional appearance allowed, add: The defendant by order of.....dated the.....

day of....., 19..., is permitted to appear without prejudice to his right to dispute the jurisdiction of the Court in this action, or as the case may be.

In case the defendant wishes to dispute the amount claimed, and to make no other defence, add, The defendant disputes the amount claimed by the plaintiff [or the defendant contends that the amount due to

the plaintiff is \$.....only, or the defendant contends that the amount due to the plaintiff is

\$.....for principal and \$.....for interest, since the....day of....., 19..., and no more], as the case may be.

In action for the possession of land if the defendant limits his defence, add The said defendant limits his defence to part only of the property mentioned in the writ of summons, namely, to etc.

R.R.O. 1970, Reg. 545, Form 9; O. Reg. 36/73, s. 36.

Form 10

STATEMENT OF PROPERTY

(RULE 775c)

I, *A.B.*, of (*place of residence and description*), make oath and say that particulars of all my property are accurately set out below, to the best of my knowledge, information and belief.

Land

(Include any interest in land, including leasehold interests and mortgages. Show estimated value free of encumbrances, and show encumbrances under Debts below.)

Nature of interest	Nature and address of property	Estimated Value
--------------------	--------------------------------	-----------------

Household items and vehicles

(Show items by category. Include furniture and household effects, clothing, jewellery, appliances, automobiles, boats and any other vehicles and any other household items. Give make, model and licence number for automobiles, boats and other vehicles. List major items in each category. Show estimated value free of encumbrances, and show encumbrances under Debts below.)

Category	Major items	Estimated Value
----------	-------------	-----------------

Savings and pensions

(Show items by category. Include cash, accounts in financial institutions, registered retirement or home ownership savings plans, deposit receipts, pensions and any other savings.)

Category	Institution	Account Number	Present amount
----------	-------------	----------------	----------------

Securities

(Show items by category. Include shares, bonds, warrants, options, debentures, notes and any other securities.)

Category	Number	Description	Estimated Value
----------	--------	-------------	-----------------

Life and disability insurance

Company	Policy Number	Owner	Beneficiary	Face Amount	Cash surrender value
---------	---------------	-------	-------------	-------------	----------------------

Accounts receivable

(Give particulars of all debts owing to you, whether arising from business or from personal dealings.)

Particulars

Amount

Business interests

(Show any interest in an unincorporated business. A controlling interest in an incorporated business may be shown here or under securities above.)

Name of firm or company

Interest

Estimated Value

Other

(Show other property by categories. Include property of any kind not shown above.)

Category

Estimated Value

Debts

(Show debts by category such as mortgages, charges, liens, notes and credit cards. Include contingent liabilities such as guarantees.)

Category

Particulars

Amount

Sworn before me at the of in the
of this day of, 19....

A Commissioner, etc.

O. Reg. 216/78, s. 25, *part.*

Form 10a

STATEMENT OF FINANCIAL INFORMATION

(RULE 775d)

I, A.B., of (place of residence and description), make oath and say:

1. Attached to this affidavit are a true copy of my income tax return filed with the Department of National Revenue for (the immediately preceding year) and a true copy of the notice of assessment (where applicable, add and notice of reassessment) by the Department for that year.

2. Particulars of my financial situation are accurately set out below, to the best of my knowledge, information and belief.

(Give current actual amount where known or ascertainable. Where amount cannot be ascertained, give an estimate. Use weekly, monthly or yearly column as appropriate.)

Income

(Include income from all sources, whether taxable or not. For salary or wages, show gross amount here and show deductions under Expenses below. Show income by categories such as salary or wages, commissions, family allowance, unemployment insurance, workmen's compensation, public assistance, pension, dividends, interest, rent and support from others.)

Category	Weekly	Monthly	Yearly
Totals			
Weekly total_____	× 4.33 =		monthly
Yearly total _____	÷ 12 =		monthly

TOTAL MONTHLY INCOME

Expenses

(Include current expenses only, not a suggested budget. Show expenses by categories such as rent, mortgage, common expense charges, property tax, property insurance, electricity, water, gas, heating, cable TV, telephone, repairs and maintenance, food, clothing, laundry, O.H.I.P., medicine, dental care, dues, unemployment insurance, pension contributions, income tax, taxis and public transit, car insurance, gas and oil, car servicing, parking, life insurance, entertainment, recreation, grooming, vacation, gifts, day care, babysitting, support for others, debt payments.)

Category	Weekly	Monthly	Yearly
Totals			
Weekly total_____	× 4.33 =		monthly
Yearly total _____	÷ 12 =		monthly

TOTAL MONTHLY EXPENSES

Debts Note: Where the rules require the filing of a statement of property, delete this part and file the statement of property.

(Show capital amount of debts. Include any contingent liabilities such as a guarantee. Show debts in categories such as mortgage, bank, finance company, retail store, credit card, personal. Give particulars of each.)

Category	Particulars	Amount
----------	-------------	--------

TOTAL DEBTS

Assets Note: Where the rules require the filing of a statement of property, delete this part and file the statement of property.

(Show market value of assets free of charges and mortgages, which should be listed under Debts above. Show assets in categories such as land (including rental property), household furniture, appliances, jewellery, automobiles, savings, cash, pensions, stocks, bonds, insurance, interest in a business. Give particulars of each.)

Category	Particulars	Market Value
----------	-------------	--------------

TOTAL ASSETS

Proposed Budget

(Set out proposed budget of expenses, if different from current expenses, using the same categories as under Expenses above. Where applicable, show estimated income tax expenses.)

Category	Weekly	Monthly	Yearly
----------	--------	---------	--------

Totals

Weekly total _____ $\times 4.33$ = _____ monthly

Yearly total _____ $\div 12$ = _____ monthly

TOTAL MONTHLY BUDGET

Summary

Total monthly income

Total monthly expenses —

SURPLUS/DEFICIT

Total assets

Total debts —

NET WORTH

Total monthly budget

Total monthly income —

DIFFERENCE

(If any material changes are anticipated in the information given above, give particulars.)

Name and address of employer:

Sworn before me at the of in the
 of this day of, 19....

A Commissioner, etc.

O. Reg. 216/78, s. 25, part.

PLEADINGS

NOTE: *The nature of each pleading should be stated at the head thereof, e.g., "Statement of Claim" or "Statement of Defence and Counter-claim of C.D."*

Form 11

STATEMENT OF CLAIM

1. *(Set out concisely in convenient paragraphs a statement of the material facts relied upon).*

2. The plaintiff claims *(state the relief claimed).*

3. The plaintiff proposes that this action should be tried at.....

Delivered the....day of....., 19....,
.....by X.Y., of.....,
Plaintiff's Solicitor.

NOTE: The date of the writ should be given at the head of the Statement of Claim, thus (Writ issued the....day of....., 19....)

R.R.O. 1970, Reg. 545, Form 11.

Form 12

STATEMENT OF DEFENCE

1. The defendant admits the allegations in theand.....paragraphs of the plaintiff's statement of claim.

2. *(Set out concisely in convenient paragraphs a statement of the material facts relied upon).*

Delivered, etc.

R.R.O. 1970, Reg. 545, Form 12.

Form 13

REPLY AND JOINDER OF ISSUE

1. *(If desired)* The plaintiff joins issue upon the defendant's statement of defence.

2. *(Where plaintiff does not introduce into his statement of claim, originally or by way of amendment, the allegations necessary by way of reply to the defence, set out concisely in convenient paragraphs the material facts relied upon in reply).*

Delivered, etc.

R.R.O. 1970, Reg. 545, Form 13.

Form 14

STATEMENT OF DEFENCE AND COUNTER-CLAIM

1. *(Set out the material facts relied on by way of defence).*

2. By way of counter-claim the defendant says: *(Set out by reference to paragraphs of defence, or, as in the case of a statement of claim, the material relied on by way of counterclaim).*

3. The defendant claims *(as in a statement of claim).*

Delivered, etc.

NOTE: *Where a third person as well as the plaintiff is made a party to a counter-claim, add a second style of cause, thus:*

And between C.D., plaintiff,
(By counter-claim)

and

A.B. and E.F., Defendants.
(By counter-claim)

R.R.O. 1970, Reg. 545, Form 14.

Form 15

REPLY AND DEFENCE TO COUNTER-CLAIM

Where plaintiff does not introduce into his statement of claim, originally or by amendment, the allegations necessary by way of reply to the defence, set out the material facts relied on by way of reply. A joinder of issue on the defence or paragraphs thereof may be added.

Delivered, etc.

R.R.O. 1970, Reg. 545, Form 15.

Form 16

STATED CASE

(RULE 128)

The following case is stated for the opinion of the Court under an order of the Honourable Mr.

Justice.....dated the....day of.....,

19...., made pursuant to Rule[or as the case may be.] *(Here state the material facts of the case bearing upon the question of law to be decided.)*

The question [or questions] for the opinion of the Court is [or are]:

First—Whether, etc.

Second—Whether, etc.

.....
(signatures)

R.R.O. 1970, Reg. 545, Form 16.

Form 17

CERTIFICATE OF SERVICE OF FOREIGN PROCESS

(RULE 31)

I,, Registrar of the Supreme Court of Ontario, hereby certify that the documents annexed hereto are as follows:

- (1) The original letter of request for service of process received from the Court of.....
at.....in the.....of.....in
the matter of.....versus....., and
.....
- (2) The process received with such letter of request, and
- (3) The evidence of service upon the person named in such letter of request duly sworn to before and verified by a notary public appointed for Ontario under his hand and official seal.

And I certify that such service, so proved, and the proof thereof are such as are required by the law and practice of the Supreme Court of Ontario regulating the service of legal process in Ontario, and the proof thereof.

And I certify that the cost of effecting such service amounts to the sum of \$.....

Dated this....day of....., 19....

R.R.O. 1970, Reg. 545, Form 17.

Form 18

GENERAL FORM OF AFFIDAVIT

1. *E.F.*, of (place of residence and description or addition), make oath and say as follows:

or We, *E.F.* and *G.H.*, of etc., severally make oath and say as follows:]

1.

2.

3. *If necessary*, And I, the said *E.F.*, for myself say.....etc.

Sworn (if there be more than one deponent) by the said (naming each deponent)

before me at the.....

of.....in the County of.....

this.....day of....., 19....

Sworn (if there be more than one deponent) by the said (naming each deponent) before me at the.....
of.....in the Countythis
....day of....., 19....

A Commissioner, etc.

NOTE: An Affidavit for use on a motion should by endorsement show on whose behalf it is filed; e.g., "Affidavit of John Smith filed on behalf of the plaintiff."

R.R.O. 1970, Reg. 545, Form 18.

Form 19

FORM OF JURAT IN THE CASE OF AN ILLITERATE PERSON

Sworn before me at theof.....

in the County of.....this....day of
....., 19...., the said affidavit having been first read over in my presence to the deponent [or the deponent *E.F.*] who seemed perfectly to understand the same and signed the same [or made his mark thereto] in my presence.

A Commissioner, etc.

R.R.O. 1970, Reg. 545, Form 19.

Form 20

AFFIDAVIT OF SERVICE OF WRIT OF SUMMONS

I,.....

of the.....of....., in the

.....of.....

(occupation)

make oath and say as follows:

1. I did on....., the.....day
of....., 19...., personally serve
C.D., the above-named defendant in this
action, with the attached writ of summons
[or notice of the writ of summons] by de-
livering a true copy of the same to and
leaving the same with the said defendant
on the day aforesaid at.....
2. Upon the said copy so served as aforesaid
were endorsed at the time of such service
true copies of all the endorsements appear-
ing upon the original writ of summons
[or notice].
3. To effect such service, I necessarily travelled
.....miles.

Sworn, etc.

R.R.O. 1970, Reg. 545, Form 20.

Form 20a

NOTICE TO FILE STATEMENT OF PROPERTY (or STATEMENT OF FINANCIAL INFORMATION)

Take notice that you are required, under section 5 (or 23) of the *Family Law Reform Act* and Rule 775c of the rules of this court, to file with the court and serve on the applicant (or as the case may be) a statement of property in Form 10 (or statement of financial information in Form 10a), whether or not you intend to defend this proceeding.

And take notice that, under Rule 775c, you must file and serve your statement of property (or statement of financial information) within (set out relevant time period).

And further take notice that if you do not file and serve your statement of property (or statement of financial information) as required, the applicant (or as the case may be) intends to move without further notice to you for an order compelling you to file and serve your statement of property (or statement of financial information).

Dated this day of
19....

M.N.
Solicitor for the

To L.K.

O. Reg. 216/78, s. 25, part.

Form 21

NOTICE TO PRODUCE DOCUMENTS

(Rule 347)

Take notice that you are required within ten days from this date to make discovery on oath of the documents which are or have been in your possession, custody or power relating to any matters in question in this action and to produce and deposit the same with the proper officer of this Court for the usual purposes, and that you are also required to serve a copy of the affidavit upon the undersigned forthwith after it has been filed.

Dated this day of, 19....

.....M.N.
Plaintiff's Solicitor

To L.K., Esq.,

Defendant's Solicitor

R.R.O. 1970, Reg. 545, Form 21; O. Reg. 569/75, s. 10.

Form 22

AFFIDAVIT AS TO PRODUCTION OF DOCUMENTS

I, the above-named defendant, *C.D.*, make oath and say as follows:

1. I have in my possession, custody or power the documents relating to the matters in question in this action set forth in the first and second parts of the first schedule hereto.
2. I object to produce the said documents set forth in the second part of the said first schedule hereto.
3. (Here state upon what grounds the objection is made, and verify the facts as far as may be.)
4. I have had, but have not now, in my possession, custody or power the documents relating to the matters in question in this suit set forth in the second schedule hereto.
5. The last-mentioned documents were last in my possession, custody or power on (state when).
6. (Here state what has become of the last-mentioned documents, and in whose possession, custody or power they now are.)
7. According to the best of my knowledge, information and belief, I have not now, and never had in my possession, custody or power, or in the

possession, custody or power of my solicitors or agents, or in the possession, custody, or power of any other persons or person on my behalf, any deed, account, book of account, voucher, receipt, letter, memorandum, paper, or writing, or any copy of or extract from any such document, or any other document whatsoever relating to the matters in question in this action or any of them, or wherein any entry has been made relative to such matters, or any of them, other than and except the documents set forth in the said first and second schedules hereto, and the pleadings and other proceedings in the action.

Sworn, etc.

R.R.O. 1970, Reg. 545, Form 22; O. Reg. 569/75, s. 11.

Form 23

AFFIDAVIT ON PRODUCTION WHEN MADE BY AN OFFICER OF A CORPORATION

I, of, make oath and say as follows:

1. I am the (*here state the name of the office held by the deponent in the service of the company on whose behalf he makes the affidavit*), and as such have knowledge of all documents which are, or have been, in the possession, custody or power of the said (*company*), relating to the matters in question in this action.

2. I am cognizant of the matters in question in this action.

3. The said defendants have in their possession, custody or power the documents relating to the matters in question in this action set forth in the first and second parts of the first schedule hereto.

4. The said defendants object to produce the said documents set forth in the second part of the said first schedule hereto.

5. (*Here state on what grounds the objection is made, and verify the facts as far as may be.*)

6. The said defendants have had, but have not now, in their possession, custody or power, the documents relating to the matters in question in this action set forth in the second schedule hereto.

7. The last-mentioned documents were last in the possession, custody or power of the said defendants on (*state when*).

8. (*Here state what has become of the last-mentioned documents, and in whose possession, custody or power they now are.*)

9. According to the best of my knowledge, information and belief, the said defendants have not now, and never had, in their possession, custody, or power, or in the possession, custody, or power of myself, or of any of their solicitors or agents, or of any person or persons whomsoever, on their behalf any (*proceed as in Form 22*).

R.R.O. 1970, Reg. 545, Form 23; O. Reg. 569/75, s. 12.

Form 24

PRAECIPES

NOTE: *A praecipe for the action of any officer should contain a concise statement of what is desired and, where what is sought is authorized by an order, it should be referred to in the praecipe and should be produced. All particulars, save those appearing in the order, necessary for the officer's action should be given.*

The following are given as examples:

Required in pursuance of order dated to renew the writ of summons in this action.

Dated the day of, 19....

(Signed)

Solicitor for the

Required in pursuance of order dated a writ of habeas corpus *ad testificandum* directed to the to bring before

Required in pursuance of order [*or Master's certificate*] dated a commission to examine witnesses directed to

Required a writ of *fiery facias* directed to the sheriff of to levy against the sum of \$..... and interest thereon at the rate of per centum per annum from the day of (and \$..... costs) to

Judgment [or order] dated the.....day of
....., 19....

Taxing master's certificate dated the.....
day of....., 19....

Required a writ of *venditioni exponas* directed to
the sheriff of.....to sell the goods and
chattels [or lands and tenements] of.....taken
under a writ of *fiery facias* in this action tested the
.....day of....., 19....

Set down this appeal from the order [or judg-
ment] of.....in this action dated the....
day of....., 19....

Enter [or set down] this action for trial at the
sittings at.....commencing
the.....day of....., 19....

NOTE: *A praecipe to set down for argument may be
endorsed on the notice of motion.*

R.R.O. 1970, Reg. 545, Form 24.

Form 25

THIRD PARTY NOTICE

(RULE 167)

COURT

BETWEEN:

A.B.

Plaintiff

(seal)

and

C.D.

Defendant

and

E.F.

Third Party

Name and title of Sovereign

To: E.F. of the.....of.....
in the.....of.....

TAKE NOTICE that the plaintiff has commenced
an action against the defendant for the relief set
out in the Statement of Claim (or in the special
endorsement of the Writ of Summons *as the case
may be*);

AND FURTHER TAKE NOTICE that the defendant
disputes the plaintiff's claim on the grounds
appearing in his Statement of Defence (Affidavit
of Merits, *as the case may be*) and in the event that
the defendant is held liable to the plaintiff, the
defendant claims to be entitled to relief over
against you on the grounds set out in the STATE-
MENT OF CLAIM OF THE DEFENDANT
AGAINST THE THIRD PARTY served herewith.

AND FURTHER TAKE NOTICE THAT WE COM-
MAND YOU that if you desire to dispute your
liability to the defendant, or the plaintiff's claim in
the action as against the defendant, either you or
your lawyer shall file an Appearance and serve upon
the defendant or his lawyer AND file your State-
ment of Defence to the above Statement of
Claim of the defendant to be entitled STATEMENT
OF DEFENCE OF THIRD PARTY TO CLAIM OF THE
DEFENDANT and, if so advised, your Statement of
Defence to the plaintiff's Statement of Claim to be
entitled STATEMENT OF DEFENCE OF THIRD PARTY
TO THE STATEMENT OF CLAIM OF THE PLAINTIFF,
within fifteen days after service on you of this
notice.

AND FURTHER TAKE NOTICE that if you fail to
file an Appearance and file and serve your State-
ment of Defence to the above Statement of Claim
of the defendant, pleadings may be noted closed
against you and you may not be permitted to
deliver your Statement of Defence;

AND FURTHER TAKE NOTICE that where plead-
ings have been noted closed against you, you
may be deemed to admit the validity of any judg-
ment obtained against the defendant and your
own liability to contribute or indemnify to the ex-
tent herein claimed and you may not be entitled to
notice of any motion for judgment or notice of
trial, AND JUDGMENT MAY BE GIVEN AGAINST
YOU IN YOUR ABSENCE.

(Where the action was commenced by a specially
endorsed Writ, this notice shall be modified so as to
comply with the provisions of Rule 171e).

IN WITNESS WHEREOF this notice is signed for
the Supreme Court of Ontario by.....
Registrar of the said Court at Toronto [or by.....
Local Registrar of the said Court at.....]

this.....day of..... 19....

.....
(signature of officer)

Appearance may be entered at the.....
office.....

O. Reg. 36/73, s. 38; O. Reg. 106/75, s. 29

Form 26

SUMMONS TO DEFENDANT ADDED BY COUNTER-CLAIM

(RULE 45)

(Court and Cause)

Name and title of the Sovereign

To X.Y., of, etc.

Whereas in this action the defendant has filed a Counter-claim against the plaintiff and you;

WE COMMAND that, if you wish to defend this Counter-claim, either you or your lawyer shall file an Appearance and serve upon the defendant or his lawyer AND file your Statement of Defence to the Counter-claim in the office of this Court at within twenty days after the day this Summons and the Statement of Claim and the Statement of Defence and Counter-claim was served upon you; AND TAKE NOTICE that if you fail to do so, pleadings may be noted closed against you and you may not be permitted to deliver your Statement of Defence to the Counter-claim;

AND FURTHER TAKE NOTICE that where pleadings have been noted closed against you, you may be deemed to have admitted the claim of the plaintiff by Counter-claim and you may not be entitled to notice of any motion for judgment or notice of trial, AND JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE.

IN WITNESS WHEREOF, etc., (as in Rules 5 or 766 as the case may be)

O. Reg. 36/73, s. 39; O. Reg. 106/75, s. 30.

NOTICES

Form 27

NOTICE OF PAYMENT INTO COURT

Take notice that the defendant.....has
paid into Court \$.....in satisfaction of the
plaintiff's claim [or the plaintiff's claim for, etc.].

(Note: Where a defendant offers to surrender his counter-claim, add:)

Take notice that the defendant is offering to surrender his counter-claim (and in addition, the sum of \$....., which has been paid into court) in satisfaction of the plaintiff's claim and in settlement of the action and counter-claim.

R.R.O. 1970, Reg. 545, Form 27.

Form 27A

CONFESSION OF JUDGMENT

Take notice that Her Majesty the Queen in right of Ontario confesses judgment in the sum of \$.... in satisfaction of the plaintiff's claim [or confesses judgment on the plaintiff's claim for etc.].

R.R.O. 1970, Reg. 545, Form 27A.

Form 28

ACCEPTANCE OF SUM PAID INTO COURT

Take notice that the plaintiff accepts the sum of \$.....paid by the defendant.....into Court in satisfaction of the claim in respect of which it was paid in.

Dated the.....day of....., 19....

(Signed).....

Solicitor for the.....

To.....

Solicitor for.....

(Note: Where a defendant offers to surrender his counter-claim, add:)

Take notice that the plaintiff accepts the offer of the defendant.....to surrender

his counter-claim (and the sum of \$.... paid by the said defendant into court) in settlement of the action and counter-claim, in respect of which surrender of the counter-claim was offered (and money paid in).

R.R.O. 1970, Reg. 545, Form 28.

Form 28A**ACCEPTANCE OF CONFESSION OF
JUDGMENT**

Take notice that the plaintiff accepts the sum of

\$.....in respect of which Her Majesty the Queen
in right of Ontario has delivered a confession of
judgment.

Dated the.....day of....., 19....

(Signed).....

Solicitor for the.....

To the Attorney General for Ontario
And to

Solicitor for.....

R.R.O. 1970, Reg. 545, Form 28A.

Form 29**CONFESSION OF DEFENCE ARISING
PENDING ACTION**

(RULE 166)

The plaintiff confesses the defence stated in the
.....paragraph of the defendant's statement of
defence [*or*, of the defendant's further statement of
defence].

R.R.O. 1970, Reg. 545, Form 29.

Form 30

REVOKED. O. Reg. 36/73, s. 40.

Form 31**NOTICE OF DISCONTINUANCE**

(RULE 320)

Take notice that the plaintiff hereby wholly
discontinues this action [*or*, withdraws so much of his
claim in this action as relates to, etc.].

[*If not against the defendants, add: as against the
defendant C.D.*]

R.R.O. 1970, Reg. 545, Form 31.

Form 32**NOTICE TO PRODUCE DOCUMENTS
REFERRED TO IN PLEADINGS**

(RULE 350 (1))

Take notice that the plaintiff [*or* defendant] re-
quires you to produce for his inspection the following
documents referred to in your [statement of claim
or defence or affidavit sworn on the.....day
of....., 19....].

R.R.O. 1970, Reg. 545, Form 32.

Form 33**NOTICE TO INSPECT DOCUMENTS**

(RULE 350 (2))

Take notice that you may inspect the documents
mentioned in your notice of the.....day of
....., 19...., [*except the deed numbered*
.....*in that notice*] at my office, on.....day
next the.....instant, between the hours of
12 noon and 4 p.m.

Or, that the plaintiff [*or* defendant] objects to
giving you inspection of the documents mentioned in
your notice of the.....day of.....,
19...., on the ground (*state the ground*):

R.R.O. 1970, Reg. 545, Form 33.

Form 33A—REVOKED: O. Reg. 32/78, s. 10.

Form 34**JURY NOTICE**

(*Judicature Act, s. 60*)

"The plaintiff [*or* the defendant] requires that the
issues in this cause be tried [*or* the damages in this
cause be assessed] by a jury."

R.R.O. 1970, Reg. 545, Form 34.

Form 35**NOTICE OF TRIAL (GENERAL)**

(RULE 249)

Take notice that this action (*or* the issues in this
action ordered to be tried) was (*or* were set down

on the.....day of....., 19....
for trial in the County of.....

And take notice that you may ascertain the date of the sittings for which this action was set down from the.....Registrar of this Court at

And further take notice that if this action is not tried at such sittings the same may be tried at a subsequent sittings without further notice to you.
R.R.O. 1970, Reg. 545, Form 35; O. Reg. 36/73, s. 41, *part*.

Form 36

REVOKED: O. Reg. 156/68, s. 19.

Form 37

NOTICE OF TRIAL—TORONTO

.....JURY SITTINGS

(Rule 249)

TAKE NOTICE that this action (*or the issues in this action ordered to be tried*) was (*or were*) set down on the.....day of....., 19....
for trial at the Toronto.....jury sittings.

R.R.O. 1970, Reg. 545, Form 37; O. Reg. 36/73, s. 41, *part*; O. Reg. 127/76, s. 2.

Form 38

CERTIFICATE OF READINESS

(RULE 246)

I....., (solicitor for) the above-named....., Do HEREBY
(*plaintiff or defendant*)

CERTIFY that I have completed all proceedings in this action which, in my opinion, need be taken on behalf of my client (*or on my behalf as the case may be*) prior to trial. I will not initiate or continue any interlocutory proceedings or any form of discovery without leave of the Court and I represent that my client is (*or I am as the case may be*) ready to proceed with the trial of this action whenever called upon to do so.

Dated at.....this.....day of.....
19....

.....
(signature)

To.....

O. Reg. 520/71, s. 8.

Form 39

NOTICE OF MOTION

(RULE 215)

Take notice that a motion will be made to the Court (*or Master as the case may be*) on behalf of

..... at

on.....day, the..... day of

19...., at..... o'clock in the.....noon, or so soon thereafter as counsel can be heard, for an order that (*state the object of the motion*) or for such other order as seems just. (*In cases where it is necessary to set out the grounds of the motion, add: upon the following grounds, stating them concisely*).

And take notice that in support of such motion will be filed (*state the affidavits or other evidence to be used*).

And where the motion is originating add the following:

And take notice that if you wish to oppose this motion you shall file an Appearance on or before the date upon which the motion is returnable;

And take notice that in default of filing an Appearance you are not entitled to file any material on the motion.

Dated the..... day of....., 19....

(Signed).....

Solicitor for the.....

To:.....

Solicitor for.....

O. Reg. 520/78, s. 49, *part*.

Form 40

REVOKED: O. Reg. 520/78, s. 49, *part*.

Form 41

NOTICE TO PRODUCE AT THE TRIAL

Take notice that you are hereby required to produce and show to the court on the trial of this action all books, papers, letters, copies of letters, and other writings and documents in your custody, possession or power, containing any entry, memorandum or minute relating to the matters in question in this action, and particularly the following: (*set out a list of documents with dates and descriptions thereof*).

Dated, etc.
.....
(signature)
To
R.R.O. 1970, Reg. 545, Form 41.

Form 42

NOTICE TO ADMIT DOCUMENTS
(Evidence Act, s. 55)
Take notice that the plaintiff [or defendant] in this cause proposes to adduce in evidence the several documents hereunder specified, and that the same may be inspected by the defendant [or plaintiff], his solicitor or agent at
on, between the hours of
and the defendant [or plaintiff] is hereby required, within four days from the said day, to admit that such of the said documents as are specified to be originals were respectively written, signed, or executed, as they purport respectively to have been; that such as are specified as copies are true copies, and such documents as are stated to have been served, sent, or delivered, were so served, sent, or delivered respectively; saving all just exceptions to the admissibility of all such documents as evidence in this cause.

Dated, etc.
.....
(signature)
(Specify documents)
R.R.O. 1970, Reg. 545, Form 42.

Form 43

ENDORSEMENT ON OFFICE COPY OF JUDGMENT OR ORDER OF REFERENCE WHEN PARTIES ADDED
(RULES 87, 407 AND 496 (2))

To (the person upon whom service is to be made)
Take notice, FIRST, that from the time of service of this notice you will be bound by the proceedings in this cause in the same manner as if you had originally been made a party, unless you, within ten days after the service hereof, apply to the Court to add to, vary or set aside the within judgment. And SECOND, that you may, upon service of notice upon the plaintiff, attend the proceedings under the within judgment.

Form 44

ENDORSEMENT ON THE COPY SERVED OF AN ORDER ADDING A PARTY
(RULE 407)

To (the person upon whom service has been directed)
If you wish to apply to discharge the within order or to add to, vary, or set aside, the judgment in this cause, you must do so within ten days from the service hereof. (When the order fixes a time for the further proceedings, add: And if you fail to move to discharge the said order or to add to, vary, or set aside the judgment, and fail to attend at the time and place appointed by said order, either in person or by your solicitor, such order will be made and proceedings taken, in your absence, as seem just and expedient; and without any further notice you will be bound by the judgment, and the further proceedings in the cause, in the same manner as if you had been originally made a party.)

Form 45

ENDORSEMENT ON COPY SERVED OF AN ORDER ADDING A PARTY
(RULE 496 (2))

To (the person upon whom service has been directed)
If you wish to apply to discharge the within order or to add to, vary, or set aside the judgment in this action you must do so within ten days from the service hereof. If you desire an opportunity to redeem the mortgaged premises, you are required to appear at the time and place mentioned in the Notice to Original Defendants, either in person or by your solicitor, and to file a memorandum in writing entitled in this action and signed by yourself or your solicitor to the following effect: "I desire an opportunity to redeem the property in question herein", and give an address for service.

If you fail to move to discharge the said order or to add to, vary or set aside the judgment or to appear and file a notice desiring an opportunity to redeem, you will be bound by the judgment and the further proceedings in this action, in the same manner as if you had been originally made a party and will be deemed to submit to an immediate foreclosure [or immediate sale, as the case may be] and will receive no further notice.

Form 46**NOTICE TO ENCUMBRANCERS**

(RULE 477)

(The style of cause shall include the parties added)

Whereas an action has been instituted by the above-mentioned plaintiff for the foreclosure [or sale] of [or enforcement of a lien on] certain lands (*insert description of lands*) and I have been directed by the

judgment made in this cause, and dated the.....

day of....., 19...., to inquire whether any person, other than the plaintiff, has any charge or lien or encumbrance upon the said estate. And whereas it has been made to appear before me that you have each some lien, charge or encumbrance upon the said estate, and I have therefore caused you

to be made party..... to this action, and have

appointed..... the day of,

19...., at o'clock in thenoon, for

you to appear before me, at my chambers at

....., either in person or by your solicitor, to prove your claims.

Now you are hereby required to take notice: First, that if you wish to apply to discharge my order making you a party, or to add to, vary or set aside the judgment, you must do so within ten days after the service hereof; and, if you fail to do so, you will be bound by the judgment and the further proceedings in this action as if you were originally made a party to the action. Second, that if you fail to attend at the time and place appointed, you will be treated as disclaiming all interest in the land in question, and it will be dealt with as if you had no claim thereon, and your claim will be in fact foreclosed.

Dated, etc.

.....
Master

To

R.R.O. 1970, Reg. 545, Form 46.

Form 47**NOTICES TO PARTIES BY WRIT HAVING ENCUMBRANCES**

(RULE 477)

(The style of cause shall include the parties added)

Having been directed by the judgment in this action to inquire whether any person, other than the plaintiff, has any lien, charge or encumbrance upon the lands in question in this action subsequent to the plaintiff's claim, and to take an account of the amount due to the plaintiff and any such person, and it having been made to appear that you may have some lien, charge or encumbrance thereon, you are hereby

notified that I have appointed day, the

..... day of, 19...., at my

chambers in the court house at at

..... o'clock in thenoon to proceed with the said inquiry and to determine the amount of the claim of the plaintiff, and of such encumbrancers as may come in and prove their claims before me.

If you fail to attend upon such appointment and to prove your claim, the reference may proceed in your absence, and you will receive no further notice of the proceedings in this action, and you will be treated as disclaiming any lien, charge or encumbrance upon the said lands, and will stand foreclosed from any such claim.

Dated, etc.

.....
Master

To

R.R.O. 1970, Reg. 545, Form 47.

Form 48**NOTICE TO ALL ORIGINAL DEFENDANTS**

(RULE 478)

(The style of cause shall include the parties added)

Having been directed by the judgment in this action to inquire whether any person other than the plaintiff has any lien, charge or encumbrance upon the lands in question in this action subject to the plaintiff's claim thereon, you are hereby notified that it has been made to appear to me that the persons named in the schedule hereto may have some lien, charge or encumbrance thereon, and I have, therefore, caused such of them as are not already parties thereto to be added as parties in my office,

and have appointed day, the day

of, 19...., at my chambers in the court

house at at o'clock in the

.....noon to inquire and determine whether the

said parties have any such lien, charge or encumbrance, and to fix and ascertain the amount thereof, and the amount of the plaintiff's claim upon his security.

If you do not then and there attend, the reference will be proceeded with in your absence, and you will receive no further notice of the proceedings in this action.

If you are a subsequent encumbrancer and fail to attend upon such appointment and to prove your claim, you will be treated as disclaiming any lien, charge or encumbrance upon the said lands, and will stand foreclosed from any such claim.

Dated, etc.

.....
Master

To

SCHEDULE OF ENCUMBRANCERS

E.g.

Nature of Claim

- | | |
|------|------------------|
| A.B. | Mortgage dated. |
| C.D. | Execution. |
| E.F. | Mechanic's Lien. |

R.R.O. 1970, Reg. 545, Form 48.

Form 49

ADVERTISEMENT FOR CREDITORS

(RULE 415)

(Court and cause not necessary)

TO THE CREDITORS OF A.B.

Pursuant to a judgment [or an order] in an action in the Supreme Court of Ontario of A. against B., the creditors of, late of in the of, who died in or about the month of 19..., are, on or before the day of 19..., to send by post, prepaid, to, of, the solicitor for the defendant, the executor [or administrator] of the deceased [or as may be directed] their given names and surnames, addresses and descriptions, the full particulars of their claims, a statement of their securities, and the nature of the securities, if any, held by

them; or in default thereof, they will be peremptorily excluded from the benefit of the said judgment [or order] (And where necessary add: Every creditor holding any security is to produce the same before me, at my

chambers, at on the

day of, 19..., at o'clock

in the noon, being the time appointed for adjudication on the claims).

Dated, etc.

.....
Master

R.R.O. 1970, Reg. 545, Form 49.

Form 50

NOTICE TO CREDITORS TO PRODUCE
VOUCHERS AND DOCUMENTS

(RULE 416)

You are hereby required to produce, in support of the claim sent in by you, against the estate of, deceased (describe any document required) before me at my chambers, at, etc., on the day of 19..., at o'clock in the noon.

R.R.O. 1970, Reg. 545, Form 50.

Form 51

NOTICE TO CREDITOR TO
PROVE HIS CLAIM

(RULE 416)

You are hereby required to prove the claim sent in by you against the estate of, deceased. You are to file such affidavit as you may be advised in support of your claim and give notice thereof to the Master [or as the case may be] on or before the day of, 19..., and attend personally, or by your solicitor, at his chambers, on the day of 19..., at o'clock in the noon, being the time appointed for adjudicating on the claim.

R.R.O. 1970, Reg. 545, Form 51.

Form 52**NOTICE TO CREDITOR THAT CLAIM
ALLOWED**

The claim sent in by you against the estate of
 deceased, has been admitted at the sum of
 \$..... [with interest thereon at per
 cent per annum, from the day of
 19...., and \$..... for costs,
or as the case may be].

If part only admitted, add: If you claim to have a larger sum allowed, you are hereby required to prove such further claim, and you are to file (etc., as in Form 54).

R.R.O. 1970, Reg. 545, Form 52.

Form 53**NOTICE THAT CHEQUES
MAY BE RECEIVED**

(RULE 439)

The cheques for the amounts directed to be paid to the creditors of deceased, by an order made in this action [or matter] dated the day of
, 19...., may be obtained at the Accountant's Office, Toronto, on and after the
 day of, 19....

R.R.O. 1970, Reg. 545, Form 53.

Form 54**REPORTS, ETC., BY MASTERS, ETC.****FORM OF REPORT IN ADMINISTRATION SUIT**

Date

Pursuant to the judgment herein made, dated the
 day of, 19.... having caused an office copy thereof to be served upon (*state the names of persons served, and also the names of those upon whom the service has been dispensed with, and the reason for dispensing with service*), I proceeded to dispose of the matters referred to me, and thereupon was attended by the solicitors for all parties interested [*or as the case may be*], and I find as follows:

1. The personal estate not specifically bequeathed of the testator come to the hands of the executors, and wherewith they are chargeable, amounts to the sum

of \$....., and they have paid, or are entitled to be allowed thereout, the sum of \$....., leaving a balance due from [or to] them of \$..... on that account.

[*If no personal estate, say: No personal estate has come to the hands of the executors, nor are they chargeable with any*].

2. The creditors' claims sent in pursuant to my advertisement in that behalf and which have been allowed are set forth in the first schedule hereto and amount altogether to \$.....

[*If no creditors, say: No creditor has sent in a claim pursuant to my advertisement in that behalf nor has any such claim been proved before me*].

3. The funeral expenses of the testator amounting to \$..... have been paid by the executors and are allowed to them in the account of personal estate.

4. The legacies given by the testator are set forth in the second schedule hereto, and with the interest therein mentioned, remain due to the persons named [*or as the case may be*].

5. The personal estate of the said testator outstanding, or undisposed of, is set forth in the third schedule hereto.

In this third schedule, personal estate not specifically bequeathed should be set forth separately from the other personalty outstanding or undisposed of. If there is no specific bequest, it should be so stated in the body of the report.

6. The real estate which the said testator was seized of or entitled to, and the encumbrances, if any, affecting the same, are set forth in the fourth schedule hereto.

7. The rents and profits of the testator's real estate received by the said executors, or with which they are chargeable, amount to \$..... and they have paid, or are entitled to be allowed thereout, the sum of \$....., leaving a balance due from [or to] them of \$..... on that account.

[*If no rents, etc., received, say: No rents and profits have come to the hands of the said executors, nor are they chargeable with any*].

8. I have allowed the said executors the sum of \$..... as a compensation for their personal services in the management of the said estate.

9. I have caused the real estate, other than parcels
.....which were specifically devised, to be
sold, and the purchasers have paid their purchase
money into Court.

10. In the schedule, I have shown how the money
in Court is to be dealt with.

THE FIRST SCHEDULE REFERRED TO
IN THE FOREGOING REPORT

No.	Names of Creditors	Prin- cipal	Interest Allowed		Costs of this Suit	Total
			Rate per Cent	Amount to date of Report		
		\$ c.		\$ c.	\$ c.	\$ c.
	(Distinguish any which are secured by mortgage, lien, or otherwise en- titled to any priority.)					

(No general form can well be framed for the other
schedules, but in all cases brevity is to be studied.
Where particulars are given they should show merely
the general character of the things described; as, for
instance, the schedule of outstanding personalty may
say: A number of book debts outstanding amounting
in the aggregate to \$.....; a quantity of house-
hold furniture and effects valued at \$.....; and
the like short particulars should be given in other
cases. Lands should be described without setting
forth metes and bounds.)

Form 55

STANDING CONDITIONS OF SALE

(RULE 444)

1. No person shall advance less than \$10 at any
bidding under \$500, nor less than \$20 at any bidding
over \$500, and no person shall retract his bidding.

2. The highest bidder shall be the purchaser, and if
any dispute arises as to the last or highest bidder, the
property shall be put up again.

3. The parties to the action, with the exception of
the vendor (and, *naming any parties, trustees, agents,
or others, in a fiduciary situation*), shall be at liberty
to bid.

4. The purchaser shall, at the time of sale, pay
down a deposit, in proportion of \$10 for every \$100
of the purchase money, to the vendor, or his solicitor;
and shall pay the remainder of the purchase money

on the.....day of....., 19...; and,
upon such payment, the purchaser shall be entitled
to the conveyance, and to be let into possession; the
purchaser at the time of sale shall sign an agreement for
the completion of the purchase.

5. The purchaser shall have the conveyance pre-
pared at his own expense and tender it for execution.

6. If the purchaser fails to comply with the con-
ditions aforesaid, or any of them, the deposit and
all other payments made thereon shall be forfeited,
and the premises may be re-sold; and the deficiency,
if any, by such re-sale, together with all charges
attending the same, or occasioned by the defaulter,
are to be made good by the defaulter.

R.R.O. 1970, Reg. 545, Form 55.

Form 56

REPORT ON SALE

(RULE 449)

Pursuant to the judgment, bearing date the.....

day of....., 19..., and made in this cause,
I have, in the presence of [*or, after notice to*], all
parties concerned, settled an advertisement and
particulars and conditions of sale, for the sale of the
lands mentioned or referred to in the said judgment
[*or order*], and such advertisement having been pub-
lished, according to my directions, the said lands were
offered for sale by public auction, according to my

appointment, on the.....day of....., 19...,

by me [or by of], appointed by me for that purpose, auctioneer, and such sale was conducted in a fair, open and proper manner,

when of was declared the highest bidder for and became the purchaser of the

said lands at the price or sum of \$....., payable as follows (*set out shortly the conditions of sale as to payment of the purchase money*).

All which having been proved to my satisfaction by proper and sufficient evidence, I certify.

R.R.O. 1970, Reg. 545, Form 56.

SUBPOENAS, ETC., FOR EXAMINATION OF WITNESSES, ETC.

(See general note at head of forms)

Form 57

SUBPOENA DUCES TECUM (GENERAL FORM)

(RULE 272)

Name and title of Sovereign

To....., greeting:

We command you to attend before..... at
..... on day the day of

....., 19...., at the hour of..... in the

..... noon, and so from day to day [until the above cause is tried, or as may be] to give evidence [or for examination for discovery or as may be] on

behalf of the..... and also to bring with you and produce at the time and place aforesaid (*specifying documents to be produced*).

In witness whereof this subpoena is signed for the Supreme Court of Ontario by....., Registrar

of the said Court at Toronto [or by.....,

Local Registrar of the said Court at.....

this..... day of....., 19....

[State]

.....
(signature of officer)

(The following note shall be attached to the copy of the subpoena served upon the witness.)

The conduct money served with this subpoena is calculated as follows:

\$25.00 for the first day of attendance—(*insert appropriate amount*)

mileage allowance—(*insert appropriate amount*)

first night accommodation allowance—(*insert appropriate amount*)

These fees are proper conduct money for attendance and if further attendance is required you are entitled to additional fees as prescribed in Tariff B, Item 2, of the Rules of the Supreme Court.

The solicitor(s) requesting the issue of this subpoena is(are).....

R.R.O. 1970, Reg. 545, Form 57; O. Reg. 106/75, s. 33; O. Reg. 990/76, s. 16; O. Reg. 451/77, s. 5.

Form 58

WARRANT FOR ARREST OF RESPONDENT OR DEBTOR

(under the *Family Law Reform Act*)

Province of Ontario

County of

To the Sheriffs and other peace officers in the Province of Ontario.

Whereas proof has been made before me that an order for support (or an application for an order for support) has been made under the *Family Law Reform Act* against the respondent (or as the case may be) C.P. (and where applicable, add and that the said C.P.) has been served with the writ of summons or other document in the proceeding);

And whereas proof has been made before me that the said C.P. is about to leave Ontario with intent to evade his obligations of support under the *Family Law Reform Act*;

I command you to arrest the said C.P. and bring him before the court to be dealt with according to law or, if the court is not then sitting, or if the said C.P. is found in a county other than that in which the court is sitting and cannot be brought forthwith before the court, to deliver him to a provincial correctional institution or other secure facility there to be detained until he can be brought before the court.

Given under my hand, this day of
....., 19.... at

O. Reg. 520/78, s. 50.

Form 59

HABEAS CORPUS AD TESTIFICANDUM

(RULE 232)

Name and title of Sovereign

To the keeper of our prison at

We command you that you bring, who it is said is detained in our prison under your custody,

before.....at.....on.....

day the.....day of....., 19... at the hour

of.....in the.....noon, and so from day to day until the above action is tried, to give

evidence on behalf of the..... And that

immediately after the said.....has so given his evidence you safely conduct him to the prison from which he has been brought.

In witness whereof this writ is signed for the

Supreme Court of Ontario by....., Registrar

of the said Court at Toronto [or by.....

Local Registrar of the said Court at.....]

this.....day of....., 19...

(Seal)

.....
(signature of officer)

R.R.O. 1970, Reg. 545, Form 59.

Form 60

WARRANT FOR ARREST OF A
DEFAULTING WITNESS

(RULE 275)

Province of Ontario

County of.....

To the Sheriffs and other peace officers in the Province of Ontario.

Whereas proof has been made before me that *H.N.* was duly subpoenaed to give evidence on behalf of the plaintiff (*or as the case may be*), in this cause at the sittings of (*as the case may be*) at Toronto (*or as the case may be*) which commenced on the day of,

19...; that the presence of the said *H.N.* is material to the ends of justice; and that the said *H.N.* has failed to attend in accordance with the requirements of the subpoena;

I command you to arrest the said *H.N.* and bring him before me at the said sittings, or before such other judge as may be presiding thereat, to give evidence in the said cause, or if the court is not then sitting or if the said *H.N.* is found in a county other than in which the court is sitting and cannot be brought forthwith before the court, to deliver him to a provincial correctional institution or other secure facility, there to be detained until he can be brought before the court.

Given under my hand, this day of
....., 19..., at

O. Reg. 520/78, s. 51.

Form 61

COMMISSION TO EXAMINE WITNESSES

(RULE 276)

(Court and Cause)

Name and title of Sovereign

To....., greeting:

Know ye that We, in confidence of your prudence and fidelity, have appointed you a Commissioner for the purpose of taking evidence in the above cause now pending in Our said Court; and We do hereby give you full power and authority to administer all necessary oaths and to do all things necessary for the taking of the evidence more particularly mentioned in the order for the issue of this Commission, a copy whereof is hereunto attached. Forthwith after taking such evidence you will return the same, together with these presents. In the execution of this Commission, you will have due regard to the general rules of practice relating to Commissions, hereunto appended, and the terms of the order hereto attached and the instructions hereunder written.

Witness the Honourable....., Chief
Justice of Our said Court at Toronto, this.....
day of....., 19...

.....
(signature of officer)

Issued from the.....office
of the Supreme Court of Ontario, at.....
in the County of.....under and pursuant

to the order of.....bearing date the
day of....., 19...

.....
 (signature of officer)

INSTRUCTIONS TO COMMISSIONER

(1) See that proper notice is given to the parties concerned.

(2) Follow strictly all the requirements of the general rules and special order attached hereto.

(3) Before acting on this commission, take the commissioner's oath hereon endorsed.

(4) After the commission has been executed, attach the depositions, exhibits and all other papers to the commission, and complete and sign the "Commissioner's Return" endorsed hereon.

(5) Securely enclose the commission and attached papers, and mail them in a sealed envelope to.....

.....by registered mail.
 Endorse the envelope as follows: "Commission in

....."

.....
 (signature of commissioner)"

(6) USE THE FOLLOWING FORMS OF OATH:

Clerk's Oath

You will truly, faithfully, and without partiality to any or either of the parties in this cause, take, write down, transcribe, and engross all and every the questions that will be exhibited or put to all and every witness and witnesses, and also the depositions of all and every such witness and witnesses produced before and examined by the said commissioners named in the commission within written, as far forth as you are directed and employed by the commission to take, write down, transcribe or engross the said questions and depositions. So help you God.

Witness's Oath

You are true answer to make to all such questions as will be asked you, without favour or affection to either party, and therein you will speak the truth, the whole truth, and nothing but the truth. So help you God.

Interpreter's Oath

You will truly and faithfully, and without partiality to any or either of the parties in this cause, and to the best of your ability, interpret and translate the oath or oaths, affirmation or affirmations that will be administered to, and all and every the questions that

will be exhibited or put to all and every witness and witnesses produced before and examined by the commissioners named in the commission within written, as far forth as you are directed and employed by the said commissioners, to interpret and translate the same out of the English into the language of such witness or witnesses, and also in like manner to interpret and translate the respective depositions taken and made to such questions out of the language of such witness or witnesses into the English language. So help you God.

(7) Notice of the execution of this commission is to be given to.....,

representing the plaintiff and to.....

....., representing the defendant.

.....
 (signature of officer issuing commission)

GENERAL RULES

(Copy rules 279 to 289, inclusive)

NOTE: The commissioner's oath may be taken:

1. Before a person who holds a commission as an officer in the Canadian Forces and is on full-time service, who shall show his rank and unit below his signature.

2.—(1) Before,

(a) a judge;

(b) a provincial judge;

(c) an officer of a court of justice;

(d) a commissioner for taking affidavits or other competent authority of the like nature;

(e) a notary public;

(f) the head of a city, town, village, township or other municipality;

(g) an officer of any of Her Majesty's diplomatic or consular services, including an ambassador, envoy, minister, charge d'affaires, counsellor, secretary, attache, consul-general, consul, vice-consul, pro-consul, consular agent, acting consul-general, acting consul, acting vice-consul and acting consular agent;

(h) an officer of the Canadian diplomatic, consular or representative services, including, in addition to the diplomatic and consular officers mentioned in clause g, a high commissioner, permanent delegate, acting high

commissioner, acting permanent delegate,
counsellor and secretary; or

(i) a Canadian Government Trade Commis-
sioner or an Assistant Canadian Govern-
ment Trade Commissioner,

exercising his functions or having jurisdiction or
authority as such in the place in which the oath is
taken.

(2) Before a notary public for Ontario or before a
commissioner for taking affidavits in Ontario.

If the oath is taken by a person mentioned in subsec-
tion (1) or (2), he shall show his office below his signa-
ture, and,

- (a) in the case of a notary public, shall impress
thereon or attach thereto his official seal;
- (b) in the case of a person mentioned in clause 2
(1) (f), shall impress thereon or attach
thereto the seal of the municipality;
- (c) in the case of a person mentioned in clause 2
(1) (g), (h) or (i) shall impress thereon or
attach thereto his seal or the seal or stamp of
his office or of the office to which he is
attached.

THE COMMISSIONER'S OATH

I,....., the commissioner
within named, do hereby swear that I will, according
to the best of my skill and knowledge, truly and
faithfully and without partiality to any or either of
the parties in this case, take the evidence of each and
every witness produced and examined by virtue of this
commission, and will cause the said depositions so
taken to be truly and faithfully transcribed and
returned. So help me God.

.....
(signature of the commissioner)

Sworn before me at....., this..... day of
....., 19...

.....
(signature and office of person
before whom oath taken)

RETURN TO THE WITHIN COMMISSION

The return to the within commission appears by
the depositions and papers thereunto annexed; and I,
the undersigned commissioner, do hereby certify
that the proper oaths were administered by me to the
clerk taking down and transcribing the said evidence,
and to the witnesses whose depositions are hereunto
attached (and to any interpreter called upon by me
to interpret the evidence of any of the said witnesses),
and that the said depositions were duly and properly
taken by me, and that the evidence was duly and
correctly transcribed.

.....
(signature of commissioner)

R.R.O. 1970, Reg. 545, Form 61.

ORDERS

NOTE: In all orders, except decretal orders and vesting
orders, the shortened style of cause is sufficient,
e.g. Between John Jones and others, Plain-
tiffs, Aaron Smith and others, Defendants
(Rule 192).

Form 62

PRAECIPE ORDER FOR SECURITY
FOR COSTS

(RULE 374)

Upon the application of the defendant, *C.D.*, and
it appearing by the writ of summons that the plain-
tiff resides at.....out of the jurisdiction of this
court:

1. IT IS ORDERED that the plaintiff do within
four weeks from the service of this order upon
him, pay into court the sum of..... as
security for the costs of the defendant, *C.D.*, and
that all further proceedings be stayed in the mean-
time.
2. AND IT IS FURTHER ORDERED that in default
of such security being given by the plaintiff, this
action may, on the *ex parte* application of the
defendant obtaining this order, be dismissed as against
such defendant with costs.

.....
(signature of officer)

R.R.O. 1970, Reg. 545, Form 62.

Form 63

PRAECIPE ORDER TO CONTINUE
PROCEEDINGS

(RULE 300)

Upon the application of....., alleging that
since the..... in this action, and about the
..... day of....., 19..., the above-
named.....departed this life, having (*recite facts
showing who are the legal representatives*), who.....

now the legal representative..... of the said
 , and further alleging that it is desirable or
 necessary that this action should be continued at the
 suit of as part plaintiff thereto
 against as part defendant
 thereto:

It is therefore ordered that this cause may be
 continued at the suit of as part

plaintiff thereto against as part
 defendant thereto (by order to proceed) and that the
 same and all proceedings therein do stand in the same
 plight and condition as they were in at the time of the

..... as aforesaid.

R.R.O. 1970, Reg. 545, Form 63.

Form 64

NOTICE TO BE ENDORSED UPON SUCH ORDER

(RULE 301)

Take notice that if you desire to discharge this
 order you must apply to the court for that purpose
 within ten days after the service of this order upon
 you. *When this order is served upon a new party added
 by the order, add:* The proceedings in this action are
 being carried on in the Registrar's Office at Toronto
 [or as the case may be] and (here shortly state the
 present position of the action.

R.R.O. 1970, Reg. 545, Form 64.

Form 65

PRAECIPE ORDER TO TAX A SOLICITOR'S BILL DELIVERED (ON CLIENT'S APPLICATION)

(Solicitors Act, s. 3)

In the Supreme Court of Ontario

(Date)

In the matter of , gentleman, one of the
 solicitors of the Supreme Court of Ontario.

Upon the application of

It is ordered that the bill of fees, charges and
 disbursements delivered to the applicant by the said
 solicitor a copy of which is attached hereto be

referred to..... to be taxed.

R.R.O. 1970, Reg. 545, Form 65; O. Reg. 628/76,
 s. 18.

Form 66

THE SAME (ON SOLICITOR'S APPLICATION)

(Title, date, etc., as in Form 65)

Upon the application of the above-named soli-
 citor:

It is ordered that the bill of fees, charges and
 disbursements delivered by the said solicitor to

..... a copy of which is attached hereto be
 referred to..... to be taxed.

There shall be below the signature of the officer
 the following notice:

*"Warning to the Client—The taxing officer will
 certify what, if anything, is due by you to the solicitor
 and, upon confirmation of his report, payment may be
 enforced by execution."*

R.R.O. 1970, Reg. 545, Form 66; O. Reg. 628/76,
 s. 19.

Form 67

PRAECIPE ORDER FOR DELIVERY AND TAXATION OF A SOLICITOR'S BILL OF COSTS

(Title, date, etc., as in Form 65)

Upon the application of

It is ordered that the said solicitor do, within
 fourteen days from the service of this order, deliver
 to the applicant a bill of fees, charges and disburse-
 ments and that the same, when delivered, be referred

to..... to be taxed.

R.R.O. 1970, Reg. 545, Form 67; O. Reg. 628/76,
 s. 20.

Form 68

GENERAL FORM OF ORDER

(RULE 517 *et seq.*)

The Honourable the day, the day of
 Chief Justice of
 the High Court , 19...
 [or as the case may be]

Style of Cause

Upon motion made this day [or on.....
as the case may be] on behalf of the.....,
 in the presence of counsel for.....
 (*where necessary, add: no one appearing for.....*
 although duly served with notice), upon reading
 the affidavit of..... filed, and
 upon hearing counsel aforesaid;

1. It is ordered that:.....
2. And it is further ordered that.....

O. Reg. 520/78, s. 52, *part.*

Form 69

REVOKED: O. Reg. 520/78, s. 52, *part.*

Form 70

REVOKED: O. Reg. 106/75, s. 35.

Form 71

ORDER FOR PARTICULARS

(RULE 140)

Upon the application of....., and upon
 reading the affidavit of....., and
 upon hearing the solicitor [*or counsel*] for.....:

1. It is ordered that the plaintiff [*or defendant*]
 deliver to the defendant [*or plaintiff*] an account in
 writing of the particulars of the plaintiff's claim in

this action [*or particulars of the..... paragraph*
of the statement of claim or defence, stating in what
as may be ordered], and that unless such particulars

be delivered within..... days from the date
 of this order, all further proceedings be stayed until
 the delivery thereof [*or as may be ordered*].

2. And it is further ordered that the costs of this
 application be.....

R.R.O. 1970, Reg. 545, Form 71.

Form 72ORDER TO DISMISS FOR WANT
OF PROSECUTION

(RULE 322 *et seq.*)

Upon the application of....., and upon
 reading the affidavit of..... filed, and
 upon hearing the solicitor [*or counsel*] for.....:

It is ordered that this action be and the same is
 hereby dismissed for want of prosecution with costs,
 including the costs of this application, to be paid to
 the defendant by the plaintiff forthwith after taxation.

R.R.O. 1970, Reg. 545, Form 72.

Form 73

STOP ORDER

(RULE 730)

Upon the application of..... and upon
 reading the affidavit of..... filed, and
 upon hearing the solicitor for (*the applicant*) and the
 applicant by his solicitor submitting to be bound by
 any order the Court may make as to costs or damages
 occasioned by this order:

It is ordered that any costs or moneys now standing
 or hereafter to be paid into Court to the credit of this
 cause [*or matter*] to which the (*naming the party*)
 is entitled or which may be directed to be paid to him
 and any interest to accrue due thereon be not paid
 out or otherwise dealt with or disposed of without
 notice to the said (*applicant*).

R.R.O. 1970, Reg. 545, Form 73.

Form 74ORDER FOR COMMISSION
TO EXAMINE WITNESSES

Upon the application of....., and upon
 reading the affidavit of....., filed, and
 upon hearing the solicitor [*or counsel*] for.....:

1. It is ordered that a commission may issue out of
 this Court directed to.....
 for the examination *viva voce* of.....
 witnesses on behalf of the said
 at.....

2. And it is further ordered that within.....
 days after service of this order the.....
 do serve a notice giving.....the name and
 place of business of..... agent in.....
 aforesaid, upon whom notice of the said examination
 may be served.

3. And it is further ordered that..... days
 prior to the sending out of the said commission, the
 solicitor of the said..... shall give to the
 solicitor of the said..... notice in writing of
 the mail or other conveyance by which the commission
 is to be sent out.

4. And it is further ordered that, upon the execution
 of the said commission, the said commission and the
 depositions of the witnesses be, without delay after the
 said commission has been executed, transmitted to
 the office of the..... of the.....
 Court at.....

*In undefended Matrimonial Causes, in place of
 paragraphs 2 and 3 above, insert the following:*

And it is further ordered that each of the defendants
 be served with a notice of the time and place of the
 said examination not less than..... days before
 the time fixed therefor.

R.R.O. 1970, Reg. 545, Form 74.

Form 75

ORDER OF REFERENCE

(Judicature Act, s. 70 et seq.)

Upon the application of....., and
 upon reading the affidavit of.....
 filed, and upon hearing the solicitor [or counsel] for

1. It is ordered that the following questions arising
 in this action, namely,..... be referred for
 inquiry and report to.....

2. And it is further ordered that the costs of this
 application be.....

R.R.O. 1970, Reg. 545, Form 75.

Form 76

ORDER OF REFERENCE

(Another Form)

(Judicature Act, s. 70 et seq.)

Upon motion this day made unto this Court by
 counsel for the plaintiff in presence of counsel for the
 defendant, upon hearing read the pleadings and the

affidavit of....., filed, and upon hearing
 counsel aforesaid:

1. This Court doth order that the *(state whether
 all or some and, if so, which of the questions are to be
 tried)* in this action be referred to..... for trial.

2. *(To be used in a case where it is not necessary
 to reserve any questions as to costs or otherwise.)* And
 this Court doth further order that the defendant
 [or the party by whom any amount shall be found
 by the referee to be due] do pay to the plaintiff [or the
 party to whom such amount shall be found due] the

amount which the..... shall find to be
 payable, forthwith after the confirmation of the....

.....report.

3. And this Court doth further order that the
 said..... do determine the question of the costs
 of this action and of the said reference, and that the
 said costs shall be taxed and shall be paid as the said

.....shall direct.

R.R.O. 1970, Reg. 545, Form 76.

Form 77

ORDER FOR EXAMINATION OF WITNESSES BEFORE TRIAL

(RULE 270)

Upon the application of....., and
 upon reading the affidavit of....., filed,
 and upon hearing the solicitor [or counsel] for.....

1. It is ordered that....., a witness
 on behalf of the....., who is said
 to be unable to attend the trial by reason of absence
 from the jurisdiction *(or as the case may be)* be examined
viva voce on oath before.....

on..... days' notice in writing of the time
 and place where the examination is to take place being

given to the..... solicitor. (*In undefended Matrimonial Causes, the word "defendant" should be inserted in place of the word "solicitor".*)

2. And it is further ordered that the examination so taken or an office copy thereof may be read and given in evidence at the trial, saving all just exceptions, without any further proof of the absence (*or as the case may be*) of the said witness than the affidavit of

the..... or his solicitor as to his belief.

R.R.O. 1970, Reg. 545, Form 77.

Form 78

GARNISHMENT ORDER ATTACHING DEBTS

(RULE 597)

In the Supreme Court of Ontario

The Master (*or as the case may be*) (*Date*)

Between

A. B., Judgment Creditor

—and—

C. D., Judgment Debtor

—and—

E. F., Garnishee

Upon the application of....., and upon reading the affidavit of....., filed, and upon hearing the solicitor [*or counsel*] for.....;

1. It is ordered that all debts owing or accruing due from the above-named garnishee to the above-named judgment debtor be attached.

2. And it is further ordered that the said garnishee attend before the.....in Chambers (*or as the case may be*) on.....day, the.....day of....., 19...., at.....o'clock in the.....noon, to show cause why the debt due from him to the said judgment debtor should not be paid into court to the credit of this matter. O. Reg. 520/71, s. 9.

Form 79

NOTICE OF GARNISHMENT ORDER, IN LIEU OF ORDER, TO BE SERVED OUT OF ONTARIO (RULE 597)

To E. F., of.....

TAKE NOTICE that an order has been obtained attaching all debts owing or accruing due from you to the above-named judgment debtor.

AND TAKE FURTHER NOTICE that an order has also been obtained appointing.....day, the.....day of....., 19...., at.....o'clock in the.....noon, for the making of an application before.....at.....by the said judgment creditor for a further order that the debt due from you to the above-named judgment debtor be paid into court to the credit of this matter; and an application will be made accordingly, and, if you do not attend on the return of the said motion, an order may be made in your absence. O. Reg. 520/71, s. 10.

Form 80

GARNISHMENT ORDER—FINAL

(RULE 601)

Upon the application of.....and upon reading the affidavit of....., filed, and the order herein dated the.....day of....., 19...., whereby it was ordered that all debts owing or accruing due from the above-named garnishee to the above-named judgment debtor should be attached, and upon hearing the solicitor [*or counsel*] for.....

1. It is ordered that the said garnishee do forthwith pay the debt due from him to the said judgment debtor into Court to the credit of this matter.

2. And it is further ordered that the costs of the judgment creditor of this application be first paid from the said money and that the balance be then paid to the sheriff of the.....of.....to be dealt with under the *Creditor's Relief Act*. O. Reg. 520/71, s. 11.

Form 81

INTERPLEADER ORDER— WHEN CLAIM BARRED

(RULE 637)

Upon the application of the said sheriff for an interpleader order, and upon reading the affidavit of..... filed, and upon hearing the solicitor [*or counsel*] for..... and the said claimant not appearing though duly served with notice as by affidavit of..... appears.....

1. It is ordered that the claimant and all persons claiming under him be and they are hereby forever barred of and from all claim to the goods and chattels

seized herein by the said sheriff as against, and that no action be brought against the above-named (*sheriff*) for or in respect to the seizure of said goods.

2. And it is further ordered that the costs of this application be

R.R.O. 1970, Reg. 545, Form 81.

Form 82

INTERPLEADER ORDER—WHEN CLAIMANT SUBSTITUTED AS DEFENDANT

Upon the application of, and upon reading the affidavit of, filed, and upon hearing the solicitor [*or counsel*] for

1. It is ordered that the above-named claimant be substituted as defendant in this action in lieu of the present defendant.

2. And it is further ordered that the costs of this application be

R.R.O. 1970, Reg. 545, Form 82.

Form 83

INTERPLEADER ORDER—WHEN ISSUE DIRECTED

Upon the application of the said sheriff for an interpleader order, and upon reading the affidavit of, filed, and upon hearing the solicitor [*or counsel*] for

1. It is ordered that the said sheriff proceed to sell the goods seized by him under the writ of *fiери facias* issued herein, and pay the net proceeds of the sale, after deducting the expenses thereof (*or as otherwise ordered*), into Court in this cause, to abide further order herein.

Or, It is ordered that upon payment into Court by the said claimant within from this

date of the sum of \$. [*or of the appraised value of the goods and chattels seized by the said sheriff herein, together with the expenses of appraisal*], or upon the said claimant within the same time giving to the execution creditor security to the satis-

faction of for the payment of the same amount by the said claimant according to the directions of any order to be made herein, and upon payment of the said claimant to the above-named sheriff of the possession money from (*the date of his notice of motion or of the order or such date as may be proper*), and upon production to the said sheriff of the Accountant's certificate that the money has been paid

into Court, or the certificate of the said that security has been given as aforesaid, the said sheriff do withdraw from the possession of the goods and chattels seized by him under the writ of *fiери facias* herein.

And it is further ordered that unless such payment be made (including the sheriff's possession money) or security be given within the time aforesaid, or in case, before the expiration of the time aforesaid, the claimant desires the said goods and chattels to be sold by the said sheriff, the said sheriff proceed to sell the said goods and chattels, and pay the proceeds of the sale, after deducting the expenses thereof (*or as otherwise ordered*) and the possession money as aforesaid, into Court to the credit of this matter, to abide further order herein.

2. And it is further ordered that the parties proceed to the trial of an issue in the Supreme Court of Ontario

[*or in the County Court of the County of*], in which the claimant [*or execution creditor*] shall be plaintiff and the execution creditor [*or claimant*] shall be defendant, and that the question to be tried shall be whether at the time of (*insert here the delivery of the said writ to the sheriff or the seizure by the sheriff or the sale by the sheriff as the case may require*) the goods and chattels seized [*in case the claimant is plaintiff were the property of the claimant as against the execution creditor*] [*or in case the execution creditor is plaintiff were exigible under the execution of (the execution creditor) as against the claimant*].

3. And it is further ordered that such issue be prepared and delivered by the plaintiff therein within

. from this date, and be returned by the defendant therein within days thereafter and be tried at

4. And it is further ordered that the question of costs and all further questions be reserved to be disposed of by the Judge at the trial of the said issue, or if not so disposed of then to be disposed of in chambers.

5. And it is further ordered that any other execution creditors desiring to take part in the contest of the said issue shall be at liberty to do so upon placing their executions against the goods of the defendant in the

hands of the said sheriff within days from this date and upon notifying within the same time the

solicitors for.....(*an execution creditor*) (who shall have the conduct of the said issue for all execution creditors taking part in it) of their desire to come in and of their agreement to contribute *pro rata* to the expense of the said contest according to the statute in that behalf.

6. And it is further ordered that no action be brought against the said sheriff for or in respect to the seizure of the said goods and chattels or for anything done under this order.

R.R.O. 1970, Reg. 545, Form 83.

Form 84

INTERPLEADER ORDER— WHEN SUMMARY TRIAL

Upon the application of the sheriff of the..... of..... for an interpleader order, and upon hearing read the affidavits of..... and upon hearing the solicitor [*or counsel*] for....., and the claimant and the execution creditor having requested and consented that the merits of the claim made by the claimant be disposed of and determined in a summary manner:

1. It is ordered that.....
2. And it is further ordered that the costs of this

R.R.O. 1970, Reg. 545, Form 84.

Form 85

INTERPLEADER ORDER— WHEN CLAIM FOR RENT ADMITTED

Upon the application of the sheriff of the..... of..... for an interpleader order, and upon reading the affidavit of....., filed, and upon hearing the solicitor [*or counsel*] for.....:

1. It is ordered that the above-named sheriff proceed to sell enough of the goods seized under the writ of *fiery facias* issued in this action to satisfy the expenses of the said sale, the rent (if any) due, the claim of the claimant, and this execution.

2. And it is further ordered that out of the proceeds of the said sale, after deducting the expenses thereof, and rent, if any, the said sheriff pay to the claimant the amount of his said claim, and to the execution creditor the amount of his execution, and the residue, if any, to the defendant.

3. And it is further ordered that no action be brought against the said sheriff, and that the costs of

this application be.....
R.R.O. 1970, Reg. 545, Form 85.

Form 86

ORDER OF REPLEVIN

(RULE 359)

Upon the application of the above-named plaintiff, and upon reading the affidavit of....., filed, and upon hearing the solicitor [*or counsel*] for.....:

1. It is ordered that the sheriff of (*here insert the name of county, united counties, district or city*), do without delay take the security required by Rule 362 [*and where Rule 363 applies add and Rule 363*] and cause to be replevied to the plaintiff his goods, chattels and personal property following, that is to say (*here set out description of property as in the affidavit filed*), which the said plaintiff alleges to be of the value of

\$....., and to have been taken and unjustly detained [*or unjustly detained, as the case may be*] by the defendant, *C. D.*, in order that the said plaintiff may have his remedy in that behalf.

2. And it is further ordered that the said sheriff do forthwith after the execution of this order, make return to (*insert here the officer in whose office the appearance in the action is to be entered*) what he shall have done in the premises, and do also return this order. R.R.O. 1970, Reg. 545, Form 86.

Form 87

ORDER OF WITHERNAM

(RULE 367)

Upon the application of the plaintiff, and it appearing by the return of the sheriff of the..... of..... to the order of replevin made herein on the..... day of....., 19...., that the goods, chattels and personal property mentioned in the said order have been eloiigned by the defendant, *C. D.*, out of the bailiwick of the sheriff of....., to places to him unknown so that he could not replevy the same to the said plaintiff:

1. It is ordered that the said sheriff do forthwith take in withernam the goods, chattels and personal property of the said defendant, *C. D.*, in his bailiwick, to the value of the goods, chattels and personal property by the said defendant, *C. D.*, before taken, and do forthwith deliver them to the said plaintiff to be kept by him until the said defendant, *C. D.*, delivers the goods, chattels and personal property last aforesaid to the said plaintiff.

2. And it is further ordered that if the said plaintiff gives security to the said sheriff as provided by law for the prosecution of the plaintiff's claims and for

the return of the goods, chattels and property so to be taken in withernam as aforesaid, if the return thereof shall be adjudged, then the said sheriff do take security with two sufficient sureties from the said defendant, *C.D.*, to answer to the said plaintiff for the taking and unjustly detaining of his goods, chattels and personal property aforesaid.

3. And it is further ordered that the said sheriff do forthwith make return to the Registrar's Office, at Toronto [or name the officer in whose office the proceedings were commenced] as to what he has done in the premises, and do also return this order.

R.R.O. 1970, Reg. 545, Form 87.

Form 88

RECOGNIZANCE

(RULE 775I)

I, *A.B.*, of (address), acknowledge that I am indebted to Her Majesty the Queen in the amount of

\$....., to be levied from my property under a writ of execution in favour of Her Majesty the Queen if I fail [or if *A.B.* is a surety for *C.D.*, if *C.D.* of (address) fails] to abide by any of the conditions set out in the attached schedule.

.....
(Signature)

Signed before me at on
the day of, 19...

.....
(Registrar, etc.)

SCHEDULE OF CONDITIONS

The attached recognizance of *A.B.* signed at on the day of, 19... shall not be enforceable if he abides (or if *A.B.* is a surety for *C.D.*, if *C.D.* abides) by the conditions set out below. The conditions are that *A.B.* (or *C.D.*) until the day of, 19..., or until otherwise ordered,

1. shall not enter on the premises known municipally as
2. shall not speak to, telephone, write to or otherwise communicate with *J.K.*

(or as necessary to suit the case).

O. Reg. 520/78, s. 53.

Form 89

REVOKED: O. Reg. 115/72, s. 21, part.

Form 90

ORDER FOR ARREST

(Fraudulent Debtors Arrest Act)

Upon the application of, and upon reading the affidavit of, filed, and upon hearing the solicitor [or counsel] for

1. It is ordered that the sheriff of the county, united counties or city where *C. D.*, the defendant [or one of the defendants], may be found, do forthwith arrest and take, or, if already in custody, do detain the said *C. D.* and him safely keep until he shall have given security in this action for the sum of \$....., or shall by other lawful means be discharged from custody.

2. And it is further ordered that a copy of this order be served by the said sheriff on the said *C. D.*

3. And it is further ordered that the said do, within ten days after his arrest under this order, cause security to be put in for him in this Court and in this action, either by the deposit in Court of the

said sum of \$....., or by bond or other security, pursuant to the Rules of Court in that behalf, conditioned that the defendant will pay the amount by any judgment in the action adjudged to be recovered or directed to be paid either as a debt or for damages or costs, or will render himself to the custody of the sheriff, or that his sureties will do so for him.

R.R.O. 1970, Reg. 545, Form 90.

Form 91

ORDER FOR LEAVE TO ISSUE EXECUTION WHERE JUDGMENT ASSIGNED AND EXECUTION DEBTOR DEAD

(RULE 573)

Upon the application of *X. Y. Z.* and upon reading the affidavit of *E. F.*, filed, and it appearing that since judgment was recovered in this action the said plaintiff assigned the same and the full benefit thereof and the moneys thereby secured to the said *X. Y. Z.*, and it

further appearing that on the day of, 19..., *C. D.*, the defendant herein, died intestate and that Letters of Administration to the estate of the said *C. D.*, deceased, were issued out of the Surrogate Court of the County of in the Province of Ontario, on the day of, 19..., to *G. H.* as sole administratrix of the said estate of the defendant, *C. D.*, deceased:

It is ordered that the said *X. Y. Z.* be at liberty to issue forthwith a writ or writs of execution against the goods and chattels and lands and tenements which were of *C. D.*, the defendant, deceased, at the time of his death in the hands of *G. H.* to be administered to recover the full amount of the judgment debt, interest

and costs and that the costs of this order, fixed at \$, be added to the plaintiff's costs and that all moneys recovered thereon be paid to the said *X. Y. Z.*

R.R.O. 1970, Reg. 545, Form 91.

JUDGMENTS

Note: The full style of cause is necessary in all judgments (*Rule 192*).

Note: Judgments should be divided into convenient paragraphs numbered consecutively.

Note: Every judgment shall show on its face the day of the week and month on which it was given or made, and every judgment shall also show the date upon which it was actually signed. (*Rule 519*)

Form 92

DEFAULT JUDGMENT WHERE CLAIM IS FOR DEBT OR LIQUIDATED DEMAND

(RULE 51)

(Style of Cause)

JUDGMENT

.....day the.....day of....., 19.....

The defendant not having appeared herein (*or not having delivered any statement of defence as the case may be*), it is this day adjudged that the

plaintiff recover against said defendant \$.....

and \$.....for costs.

Judgment signed the.....day of.....,

19.....

.....
(signature of registrar)

O. Reg. 1/79, s. 6.

Form 93

DEFAULT JUDGMENT WHERE CLAIM IS FOR RECOVERY OF LAND

(RULE 51)

The defendant not having appeared herein (*or not having delivered any statement of defence as the case may be*), it is this day adjudged that the

plaintiff recover possession of the land described in the writ of summons (*or statement of claim as the case may be*) and \$..... for costs.

O. Reg. 36/73, s. 44.

Form 94

REVOKED: O. Reg. 36/73, s. 45, *part.*

Form 95

REVOKED: O. Reg. 36/73, s. 45, *part.*

Form 96

DEFAULT JUDGMENT WHERE CLAIM IS FOR RECOVERY OF LAND AND DEFENCE IS LIMITED TO PART OF LAND

(RULE 52)

The defendant having by his appearance limited his defence to the land therein described, it is this day adjudged that the plaintiff recover possession of the land hereinafter described, being the land described in the writ of summons (*or statement of claim as the case may be*), other than the land so claimed by the defendant, namely:

.....(*set out description*).....

....., and \$..... for costs.

O. Reg. 36/73, s. 46.

Form 97

REVOKED: O. Reg. 216/78, s. 24 (1).

Form 98

DEFAULT JUDGMENT WHERE CLAIM IS FOR RECOVERY OF CHATTELS

(RULE 51)

The defendant not having appeared herein (*or not having delivered any statement of defence as the case may be*), it is this day adjudged that the defendant do forthwith deliver to the plaintiff the chattels described in the writ of summons (*or statement of claim as the case may be*), and \$..... for costs.

O. Reg. 36/73, s. 48.

Form 99

REVOKED: O. Reg. 36/73, s. 49.

Form 100

REVOKED. O. Reg. 189/69, s. 26.

Form 101**JUDGMENT FOR PLAINTIFF'S COSTS
AFTER CONFESSION OF DEFENCE**

The defendant in his statement of defence herein having alleged a ground of defence which arose after the commencement of this action, and the plaintiff

having on the day of , 19 . . . ,
delivered a confession of that defence:

It is this day adjudged that the plaintiff recover
against the defendant costs to be taxed [or \$.
for costs].

R.R.O. 1970, Reg. 545, Form 101.

Form 102**FORM OF JUDGMENT ON PRAECIPE FOR
SALE OR FORECLOSURE WITH REFER-
ENCE AS TO ENCUMBRANCES, ETC., AND
ORDERS FOR IMMEDIATE PAYMENT AND
DELIVERY OF POSSESSION**

(RULE 472)

Upon reading the writ of summons issued in this action and the statement of claim, if any, and an affidavit of service of the said writ upon the defendant, and no appearance having been entered [or, and the defendant having made default in the delivery of the defence] and no notice that the defendant desires an opportunity to redeem the mortgaged premises having been filed:

1. It is ordered and adjudged that all necessary inquiries be made, accounts taken, costs taxed, and proceedings had for redemption or sale [or redemption or foreclosure] and that for these purposes this cause

be referred to the Master at

2. (*Where judgment is for immediate payment, add:*
And it is further ordered and adjudged that the de-

fendant do forthwith pay to the plaintiff

the sum of \$. , being the amount due to him for principal money, interest and costs at the date hereof; and upon payment of the amount due to the plaintiff (*where judgment is for sale, add: before the sale hereinbefore directed shall have taken place*) that, subject to the provisions of section 2 of the *Mortgages Act*, the plaintiff do assign and convey the mortgaged premises, and deliver up all documents relating there-
to.)

3. (*Or where judgment is for amount found due by Master, add:* And it is further ordered and adjudged that the defendant do forthwith after the making of the Master's report pay to the plaintiff what shall be found due to him for principal money, interest and costs at the date of the said report and upon payment of the amount due to him (*where judgment is for sale, add: before the sale hereinbefore directed shall have taken place*) that, [subject to the provisions of section 2 of the *Mortgages Act*], the plaintiff do assign and convey the mortgaged premises, and deliver up all documents relating thereto.)

4. (*Where judgment is for recovery of possession, add:* And it is further ordered and adjudged that the defendant do forthwith deliver to the plaintiff, or to whom he may appoint, possession of the lands and premises in question, in this cause, or of such part thereof as may be in the possession of the said defendant.)

R.R.O. 1970, Reg. 545, Form 102.

Form 103**FORM OF JUDGMENT ON PRAECIPE FOR
FORECLOSURE OR SALE ACCOUNT
TAKEN BY REGISTRAR AND ORDERS
FOR IMMEDIATE PAYMENT AND DELIV-
ERY OF POSSESSION**

(RULE 472)

Upon reading the writ of summons issued in this action and an affidavit of service of the said writ and no appearance having been entered, and a notice that the defendant desires an opportunity to redeem the mortgaged premises having been filed, and the account having been taken (in the presence of the defendant or his solicitor as the case may be) or (the defendant not having appeared on the taking of the account although duly notified as by affidavit filed appears):

1. This Court finds that the subsequent interest at
the rate of per cent per annum on the sum

of \$. principal money secured by the indenture of mortgage in the writ of summons [or pleadings]

mentioned, up to the day of , 19 . . . ,
being the time appointed for payment as hereinafter

mentioned amounts to \$. , and that the

costs of the plaintiff amount to \$.
which said subsequent interest and costs being added

to the sum of \$. claimed by the endorsement
on the writ served on the defendant make

together the sum of \$.

2. And upon the said defendant paying the said sum of \$..... into the.....bank at the during banking hours of the.....

day of....., 19... to the joint credit of the plaintiff and the Accountant of the Supreme Court (*where order for payment granted, insert: or in case the plaintiff shall (where judgment is for sale, add: before the sale hereinafter directed shall have taken place) recover the amount due to him under the order for payment hereinafter contained*), it is ordered and adjudged, subject to section 2 of the *Mortgages Act*, that the said plaintiff do assign and convey the mortgaged premises, and deliver up all documents relating thereto.

3. But in default of the said defendant making such payment by the time aforesaid, it is ordered and adjudged (*where judgment is for foreclosure, after "adjudged", add: "that the said defendant do stand absolutely debarred and foreclosed of and from all equity of redemption in and to the mortgaged premises": where judgment is for sale, then after the word "adjudged", add: "that the said premises be sold with the approbation of the Master at....."*).

4. (*Where more than one party is entitled to redeem, add: And it is further ordered and adjudged that the defendant..... [encumbrancer] is entitled to the first right to redeem, the defendant..... [encumbrancer] is entitled to the second right to redeem and the defendant..... [owner of equity and mortgagor] is entitled to the third and last right to redeem.*)

5. (*If judgment is for foreclosure, omit this clause.*) And it is further ordered and adjudged that the purchasers do pay their purchase money into Court, to the credit of this cause and that the same when so paid in be applied in payment of what has been found due to the said plaintiff together with subsequent interest and subsequent costs, to be computed and taxed by the said Master, and that the balance do abide the further order of the Court.

6. (*Where judgment is for immediate payment add: And it is further ordered and adjudged that the defendant.....do forthwith pay to the plaintiff the sum of.....being the amount due to him at the date hereof for principal money, interest and costs.*)

7. (*Where judgment is for recovery of possession, add: And it is further ordered and adjudged that the defendant..... do forthwith deliver to the*

plaintiff....., or to whom he may appoint, possession of the mortgaged premises, or of such part thereof as may be in the possession of the said defendant.)

R.R.O. 1970, Reg. 545, Form 103.

Form 104

FORM OF JUDGMENT ON PRAECIPE FOR IMMEDIATE FORECLOSURE OR SALE AND ORDERS FOR IMMEDIATE PAYMENT AND DELIVERY OF POSSESSION

(RULE 472)

Upon reading the writ of summons issued in this action, and an affidavit of service of the said writ and no appearance having been entered and no notice that the defendant desires an opportunity to redeem the mortgaged premises having been filed:

1. It is ordered and adjudged (*Where judgment is for foreclosure after "adjudged", add: "that the said defendant do stand absolutely debarred and foreclosed of and from all right, title and equity of redemption of, in and to the mortgaged premises"; where judgment is for sale, then after the word "adjudged", add: "that the said premises be sold, with the approbation of the Master, at....."*).

2. (*If judgment is for foreclosure omit this clause.*) And it is further ordered and adjudged that the purchasers do pay their purchase money into Court to the credit of this action and that the same when so paid in be applied in payment of what is found to be due to the said plaintiff for principal money, interest and costs as computed and taxed by the said Master, and that the balance do abide the further order of the Court.

3. (*Where judgment is for immediate payment, add: And it is further ordered and adjudged that the defendant.....do forthwith pay to the plaintiff the sum of.....being the amount due to him at the date hereof for principal money, interest and costs.*)

4. (*Where judgment is for recovery of possession, add: And it is further ordered and adjudged that the defendant.....do forthwith deliver to the plaintiff.....or to whom he may appoint, possession of the mortgaged premises, or of such part thereof as may be in the possession of the said defendant.*)

R.R.O. 1970, Reg. 545, Form 104.

Form 104A

**FORM OF CONDITIONAL JUDGMENT ON
PRAECIPE FOR SALE IN A FORECLO-
SURE ACTION WHERE A DEFENDANT
BY WRIT WHO IS A SUBSEQUENT EN-
CUMBRANCER SERVES AND FILES A
NOTICE DESIRING A SALE**

(RULE 467 (2))

(To the appropriate recitals, add: and the defendant
.....having served and filed a
Notice Desiring a Sale:)

1. It is ordered and adjudged that all necessary inquiries be made, accounts taken, costs taxed and proceedings had for redemption or sale and that for these purposes this cause be referred to the Master at
.....

2. And it is further ordered and adjudged that, should the said defendant..... fail to prove any claim on the reference for sale, the Master shall proceed as upon a reference for redemption or foreclosure.

R.R.O. 1970, Reg. 545, Form 104A.

Form 105

**FORM OF JUDGMENT ON PRAECIPE FOR
REDEMPTION**

(RULE 473)

Upon reading the writ of summons issued in this action and an affidavit of service of the said writ, and no appearance having been entered:

1. It is ordered and adjudged that all necessary inquiries be made, accounts taken, costs taxed, and proceedings had for the redemption of the premises in question, and that for this purpose the cause be referred to the Master at.....

2. And, subject to the provisions of section 2 of the *Mortgages Act*, it is further ordered and adjudged

that, upon the plaintiff paying to the defendant..... what shall be found due to him, or, in case nothing

shall be found due to the defendant,.....then forthwith after the confirmation of the said Master's

report, the defendant.....do reconvey the said mortgaged premises and deliver up all documents relating thereto.

3. And it is further ordered and adjudged that, in case the plaintiff makes default in payment as aforesaid of what may be found due to the defendant,

.....the plaintiff's action do stand dismissed out of this Court, with costs to be paid by the

plaintiff to the defendant.....forthwith after taxation thereof.

4. And it is further ordered and adjudged that, in case nothing is found due from the plaintiff.....,

to the defendant....., the defendant do pay the plaintiff his costs of this suit forthwith after the taxation thereof, and, in case any balance is found

due from the defendant.....to the plaintiff

....., that the defendant.....do pay

such balance to the plaintiff.....forthwith after the confirmation of the Master's report.

R.R.O. 1970, Reg. 545, Form 105.

Form 106

**GENERAL FORM OF JUDGMENT FOR
ADMINISTRATION**

(RULES 615 AND 525)

Upon the application of the above-named plaintiff in the presence of the solicitor for the defendant.....

or no one appearing for the defendant.....although duly notified as by affidavit filed appears], and upon hearing read the affidavits and papers filed, and what was alleged by the solicitor for the applicant [or solicitors for all parties]:

1. It is ordered and adjudged that all necessary inquiries be made, accounts taken, costs taxed and proceedings had for the administration and final wind-

ing up of the real and personal estate of.....and for the adjustment of the rights of all parties interested

therein, by the Master at.....

2. And it is further ordered and adjudged that all balances which may be found due from the plaintiff

.....or defendant.....[or any or either of them] to the said estate be, forthwith after the same shall have been ascertained as aforesaid, paid into Court to the credit of this cause, subject to the further order of the Court.

3. And it is further ordered and adjudged that such real and personal estate, or such parts thereof as the Master may hereafter direct, be sold, as the

Master may direct, and that the purchasers do pay their purchase money into Court to the credit of this cause, subject to the order of the Court.

4. And it is further ordered and adjudged that the Master do execute conveyances for any parties who are minors who by reason of their tender years are unable to execute the same.

R.R.O. 1970, Reg. 545, Form 106.

Form 107

FORM OF JUDGMENT FOR PARTITION OR SALE

(RULES 622 AND 525)

Upon the application of the above-named plaintiff
.....in the presence of the solicitor for the defendant [or no one appearing for the defendant

.....although duly notified as by affidavit filed appears], and upon hearing read the affidavits and papers filed, and what was alleged by the solicitor for the applicant [or solicitors for all parties]:

1. It is ordered and adjudged that all necessary inquiries be made, accounts taken, costs taxed and proceedings had for the partition or sale of the lands and premises in the said affidavits mentioned, and for the adjustment of the rights of all parties interested therein, or for a partition of part and sale of the remainder of the said lands as may be most for the interest of the parties entitled to share therein, by the Master at.....

2. And it is further ordered and adjudged that the said lands, or such part thereof as the Master shall think fit, be sold, with the approbation of the Master, freed from the claims of such of the encumbrancers thereon, if any, whose claims were created by parties entitled to the said lands before the death of the said testator [or intestate] as shall have consented to such sale, and subject to the claims of such of them as shall not have consented and freed also from the

dower of.....(as the case may be), and that the Master do execute the conveyances on behalf of such of the parties who are minors as, by reason of their tender years, are unable to execute the same, and that the purchasers do pay their purchase money into Court to the credit of this cause, subject to the order of the Court.

3. And it is further ordered and adjudged that, in the event of a partition of the whole of the said land, or in the event of a partition of a part and the proceeds of the sale of the remainder being insufficient to pay the costs in full, the costs, or so much thereof as remains unpaid be borne and paid by the said parties according to their shares and interests in the said lands

(if there be any parties who are minors interested in the estate, add: and that the proportion of the said costs payable by the parties who are minors respectively be, and the same is hereby declared to be, a lien on their respective shares, and that the plaintiff do pay the guardian of the minor defendants his costs of this suit and that the same be added to his own costs.)

R.R.O. 1970, Reg. 545, Form 107.

Form 108

FINAL JUDGEMENT ON MOTION

Upon the application of....., and upon reading the affidavit of....., filed, and upon hearing the solicitor [or counsel] for.....

It is ordered and adjudged that the plaintiff do recover against the defendant the sum of \$..... and costs to be taxed.

R.R.O. 1970, Reg. 545, Form 108; O. Reg. 520/78, s. 54.

Form 109

JUDGMENT AFTER TRIAL (NO. 1)

In the Supreme Court of Ontario

The Honourable Mr. Justice.....
.....the.....day of....., 19....
(date of pronouncing judgment)

Between
..... Plaintiff
and
..... Defendants

This action coming on for trial this day [or on theday of....., 19....]
.....at the sittings holden at.....for trial of actions without a jury [or at the sittings holden for the trial of actions with a jury at.....

.....] in the presence of counsel for all parties [or if some of the parties do not appear for the plaintiff and the defendant, C.D., no one appearing for the defendants, E.F. and G.H. although they were duly served with notice of the

trial as by the affidavit of service of notice of trial appears, *or as may be* upon hearing read the pleadings and hearing the evidence adduced and what was alleged by counsel aforesaid: (*If judgment was reserved, add: this Court was pleased to direct this action to stand over for judgment and the same coming on this day for judgment:*)

1. This Court doth order and adjudge *as may be directed* [*or if any declaration is necessary, This Court doth declare (e.g., that the deed mentioned in the fourth and fifth paragraphs of the plaintiff's statement of claim is fraudulent and void as against the plaintiff and all other creditors of the defendant, X.Y., except the defendant, C.J., and doth order and adjudge the same accordingly*)].

2. And this Court doth further order and adjudge (*add any special or appropriate direction or reference to Master or other officer*).

3. (*If so*) And this Court doth reserve further directions and the question of costs until after the Master shall have made his report.

(*Signature of officer settling judgment where not the same person as the officer signing judgments*)

Judgment signed the day of, 19. . .

.
(*officer signing judgment*)

R.R.O. 1970, Reg. 545, Form 109.

Form 110

JUDGMENT AFTER TRIAL

(NO. 2)

(*Formal parts as in Form 109*)

1. This Court doth order and adjudge that the plaintiff do recover from the defendant (*as may be directed*).

2. And this Court doth further order and adjudge that the defendant do pay to the plaintiff his costs of this action forthwith after taxation thereof [*or in the alternative, And this Court doth order and adjudge that this action be and the same is hereby dismissed with costs to be paid by the plaintiff to the defendant forthwith after taxation thereof*].

R.R.O. 1970, Reg. 545, Form 110.

Form 111

**FORM OF JUDGMENT SETTING ASIDE
FRAUDULENT CONVEYANCE**

(*Formal parts as in Form 109*)

1. This Court doth declare that the deed or con-

veyance in the pleadings mentioned, dated the

day of, 19. . . . , and made by the defendant, *A.B.*, to the defendant, *C.D.*, of all and singular, etc., is fraudulent and void as against the plaintiff and other creditors of the defendant, *A.B.*, and doth order and adjudge the same accordingly.

2. And this Court doth further order and adjudge that the plaintiff do recover from the defendants his costs of this action up to and inclusive of this judgment forthwith after taxation thereof.

3. And this Court doth further order and adjudge that the plaintiff's costs of this action as between solicitor and client over and above his party and party costs be taxed and such excess costs and so much of the party and party costs as may be not recovered under this judgment be paid out of the proceeds of the sale of the said lands and premises whether sold under execution or otherwise and that he do have a lien or charge for his said costs upon the said proceeds thereof in priority to all other creditors of the said *A.B.* other than mortgagees of the said lands whose mortgages existed prior to the commencement of this action.

R.R.O. 1970, Reg. 545, Form 111.

Form 112

**JUDGMENT ON MOTION FOR JUDGMENT—
COURT**

Upon motion for judgment made this day unto this Court by counsel for the plaintiff (*or as may be*)

and upon hearing read and upon hearing counsel for the defendant (*or as may be*):

1. (*Where necessary*) This Court doth declare, etc.

2. [*And*] this Court doth order and adjudge, etc.

3. And this Court doth further order and adjudge, etc.

R.R.O. 1970, Reg. 545, Form 112.

Form 113—REVOKED: O. Reg. 628/76, s. 21.

Form 114

**JUDGMENT AGAINST AN EXECUTOR OR
ADMINISTRATOR**

This Court doth order and adjudge that the plaintiff do recover against the defendant the sum of

\$ to be levied against the goods and chattels, lands and tenements, which were of the

said *M.N.* (*the testator or intestate*) at the time of his death come or which shall hereafter come to the hands of the defendant to be administered if he hath so much thereof in his hands to be administered [*and in proper cases* and if he hath not so much in his hands to be administered then to be levied of the proper goods and chattels, lands and tenements of the defendant] and this Court doth further order and adjudge that the plaintiff do recover against the defendant the further sum of..... dollars andcents costs taxed to be levied, etc., *as above*.

R.R.O. 1970, Reg. 545, Form 114.

WRITS OF EXECUTION, ETC.

NOTE: *In all writs of execution there must be a testimonium clause as in Form 115.*

Form 115

WRIT OF FIERI FACIAS

(RULE 556)

(Court and Cause)

(Seal)

Name and title of Sovereign

To the Sheriff of greeting:

We command you that of the goods and chattels and lands and tenements in your bailiwick of *C.D.* you cause to be made the sum of \$..... and also interest at the rate of per cent per annum thereon from

19.... (*day of the judgment or order, or day on which the money is directed to be paid, or day from which interest is directed by the order to run, as the case may be*), which sum of money and interest were by a judgment in this action bearing the date of 19....

adjudged to be paid by the said *C.D.* to *A.B.*, and also the further sum of \$..... for the taxed costs of the said *A.B.*, mentioned in the said judgment, together with interest at the rate of per cent per annum thereon from..... 19.... (*the date of the judgment*

awarding the costs) and we further command you that so much thereof as you shall have made from the said goods and chattels and lands and tenements be paid out according to law, and if required so to do, make appear to our Justices of the Supreme Court of Ontario in what manner you shall have executed this our writ.

In witness whereof this writ is signed for the Supreme Court of Ontario by (Local) Registrar of the said Court at this day of 19....

.....
(signature of officer)

Endorsements

Theis entitled to receive for this and other writs and renewals of the same, the following sums:

For this writ, \$.....
(signature of officer)

For 1st renewal, \$.....
(signature of officer)

For 2nd renewal, \$.....
(signature of officer)

Etc., etc. (*as may be necessary*).

MR. SHERIFF: Levy the sum of \$..... with interest at per cent per annum from..... 19.... and the sum of \$ for costs, with interest at per cent per annum from 19.... and for this writ \$..... together with your own fees and incidental expenses.

.....
(signature of person filing writ)

.....
(address)

O. Reg. 850/79, s. 3 (Form 115).

Form 116

FIERI FACIAS AGAINST AN EXECUTOR OR ADMINISTRATOR ON A JUDGMENT DE BONIS TESTATORIS ET SI NON DE BONIS PROPRIIS AS TO THE COSTS

(RULE 556)

(Court and Cause)

(Seal)

Name and title of Sovereign

To the Sheriff of greeting:

We comand you that of the goods and chattels and lands and tenements in your bailiwick which were of *C.D.*, deceased, at the time of death, in the hands of *E.F.*, executor of the last will and testament [or administrator of the estate and effects] of the said deceased to be administered,

you cause to be made the sum of \$..... and also interest at the rate of per cent per

annum thereon from 19....
(day of the judgment or order, or day on which the money is directed to be paid, or day from which interest is directed by the order to run, as the case may be), which sum of money and interest were by a judgment in this action bearing the date of

..... 19...., adjudged to be paid by the said *E.F.* as executor [or administrator] as aforesaid to *A.B.* And further, that the goods and chattels and lands and tenements in your bailiwick which were of the said deceased, at the time of his death, in the hands of the said executor [or administrator] as aforesaid to be administered, if the said executor [or administrator] has so much in his hands to be administered you further cause to

be made the sum of \$..... for the taxed costs of the said *A.B.*, mentioned in the said judgment,

together with interest at the rate of per cent per annum thereon from

19...., (the date of the judgment awarding the costs) and that if he has not so much, then that you cause to be made of the proper goods and chattels and lands and tenements in your bailiwick of the said executor [or administrator] the said sum of

\$ together with interest thereon as aforesaid, and we further command you that so much thereof as you shall have made from the said goods and chattels and lands and tenements be paid out according to law, and if required so to do, make appear to our Justices of the Supreme Court of

Ontario in what manner you shall have executed this our writ. (Conclude as in Form 115).

NOTE: Care must be exercised to follow the provisions of the judgment.

O. Reg. 850/79, s. 4 (Form 116).

Form 117

REVOKED: O. Reg. 628/76, s. 22.

Form 118

PRAECIPE FOR RENEWAL OF A WRIT OF
FIERI FACIAS

(RULE 566)

(Court and Cause)

REQUIRED that the writ of *feri facias* filed with you (or issued by you as applicable) in this action,

and which said writ expires on the day of

....., 19...., be renewed for a further period of six years from the date hereof.

Dated the day of, 19....

.....
(signature)

.....
(address)

R.R.O. 1970, Reg. 545, Form 118.

Form 119

REVOKED. O. Reg. 242/67, s. 25.

Form 120

REVOKED. O. Reg. 242/67, s. 25.

Form 121

REVOKED. O. Reg. 242/67, s. 25.

Form 122

WRIT OF POSSESSION

(RULE 567)

Whereas by a judgment (or order) herein dated

....., 19...., *A.B.* recovered (or *C.D.* was ordered to deliver to *A.B.*) possession of

all and singular that with the appurtenances in your bailiwick: Therefore, we command you that you enter the same, and without delay cause the said *A.B.* to have possession of the said land and premises with the appurtenances, and if required so to do make appear to our Justices of the Supreme Court of Ontario in what manner you shall have executed this our writ.

In witness whereof, etc.

Memorandum to be subscribed on the writ

N.B. This writ was issued pursuant to the order (or judgment) of dated

....., 19...., and is to be in force for one year from the date of such order (*or judgment*) and no longer. R.R.O. 1970, Reg. 545, Form 122.

Form 123

WRIT OF DELIVERY

(RULE 580)

We command you that without delay you cause the following chattels, that is to say (*here enumerate the chattels recovered by the judgment*) to be returned to A.B., which chattels the said A.B. by a judgment

in this action dated....., recovered against C.D. [*or C.D. was ordered to deliver to the said A.B.*].

R.R.O. 1970, Reg. 545, Form 123.

Form 124

WRIT OF CAPIAS AD SATISFACIENDUM

(RULE 594)

(*Fraudulent Debtors Arrest Act, s. 27*)

Whereas (*insert if necessary any recitals which under the order may be proper*):

We command you that you take C.D. if he shall be found in your bailiwick, and him safely keep so that you have his body before our Justices of our Supreme Court of Ontario immediately after the execution hereof to satisfy the sum of \$.....,

which by a judgment in this action dated

....., was adjudged to be recovered by A.B. against the said C.D. with the further sum of

\$....., for the taxed costs mentioned in the said judgment, and interest upon the said sums at

the rate of 5 per cent per annum from the

and respectively. And have you then there this writ.

On a writ of *Capias* before judgment add this note:

NOTE: This writ is to be in force for two months from the date hereof and no longer.

R.R.O. 1970, Reg. 545, Form 124; O. Reg. 451/77, s. 6.

Form 125

WRIT OF ATTACHMENT FOR CONTEMPT

(RULE 569)

We command you to attach C.D., notwithstanding any right of place he is in, so as to have him before our Justices in our Supreme Court of Ontario, immediately after the receipt hereof, then and there to answer to us, as well touching a contempt which he it is alleged hath committed against us, as also such other matters as shall be then and there laid to his charge, and further to perform and abide such order as our said Court shall make in this behalf, and hereof fail not, by reason of any liberty, and bring this writ with you.

R.R.O. 1970, Reg. 545, Form 125.

Form 126

WRIT OF SEQUESTRATION

(RULE 573)

Whereas by a judgment in this action dated

....., it was ordered that the said C.D. should (pay into Court to the credit of the said

action the sum of; *or as the case may be*). Know ye, therefore, that we have given, and by these presents do give to you full power and authority to enter upon all the lands, tenements and real estate whatsoever of the said C.D., and to collect, receive and sequester in your hands, not only all the rents and profits of his said lands, tenements and real estate, but also all his goods, chattels and personal estates whatsoever:

We therefore command you that you do, at certain proper and convenient days and hours, go to and enter upon all the lands, tenements and real estates of the said C.D., and that you do collect, take and get into your hands not only the rents and profits of his said real estate, but also all his goods, chattels, and personal estate, and detain and keep the same under sequestration in your hands until the said C.D. shall (pay into Court to the credit of

the said action, the sum of \$..... *or, as the case may be*), and clear his contempt, and our said Court make other order to the contrary.

R.R.O. 1970, Reg. 545, Form 126.

Form 127

REVOKED: O. Reg. 216/78, s. 24 (2).

Form 128

REVOKED: O. Reg. 216/78, s. 24 (3).

Form 129

CERTIFICATE IN LIEU OF RETURN OF WRIT

(RULE 552)

A writ of execution in this cause issued on
....., 19...., from the office of the
(Local) Registrar of the said Court at
and directed to me, is now in my hands.

I certify that I have this day recorded my return
thereto as follows:

(Here insert the return as recorded)

Dated, etc.

R.R.O. 1970, Reg. 545, Form 129.

Form 130

NOTICE OF APPEAL

(RULE 497)

(Court and Cause)

Take notice that the.....appeals to the
Court of Appeal (or the Divisional Court as the case
may be) from the judgment (or order) pronounced by

.....on the.....day of....., 19....
and asks that the said judgment may be reversed and
that judgment should be entered (*set out shortly what is
desired*) (or that a new trial may be had as the case
may be) upon the following grounds: (*State the
grounds clearly but briefly.*)

(If the appeal be to the Divisional Court "The
appellant proposes that this appeal be heard at the
City of.....").

Dated the.....day of....., 19....

Signed A.B., Solicitor for the.....

To C.D., Solicitor for the.....

O. Reg. 115/72, s. 22.

Form 130A

I,, counsel for,
the, (or the appellant or
respondent in person, as the case may be), in the
within appeal hereby certify that in my judgment
the evidence of the following named witnesses,
together with the exhibits as numbered, are not
necessary (or are also necessary, as the case may be)
or relevant to the disposition of the within appeal:

(a) list of witnesses by name;

(b) list of exhibits by number.

Signed

Note: A respondent who does not either confirm
the appellant's list or serve his own list in
accordance with Form 130A within ten days,
shall be deemed to confirm the list submitted
by the appellant.

O. Reg. 520/78, s. 55.

Form 131

**CERTIFICATE DISMISSING AN APPEAL
AS AN ABANDONED APPEAL**

(RULE 502)

(Court and Cause)

This is to certify that the appeal of the.....
from the judgment pronounced in this cause on the

....day of....., 19...., not having
been perfected as required by the rules, has been
dismissed as an abandoned appeal. And it is now
ordered that the said (appellant) shall pay to the
(respondent) the costs of the said appeal to be
taxed.

Dated the.....day of....., 19....

.....
Registrar

O. Reg. 115/72, s. 23.

PETITIONS OF RIGHT

(NOTE: Forms 132-134—see S.O. 1962-63, c. 109,
ss. 28, 29.)

Form 132

Petition

In the Supreme Court of Ontario

To the Queen's Most Excellent Majesty:

The humble petition of A.B. (*stating given name
and surname*) of, [by his solicitor,

E.F., of,] sheweth that (*stating
with convenient certainty the facts entitling the sup-
pliant to relief*). Your suppliant therefore humbly
prays that, etc.

The suppliant proposes that the trial of this
petition shall take place at the of
.....

Dated the day of.....

19....

(Signed): *A.B.*
 or *C.D.*, Counsel for *A.B.*
 or *E.F.*, Solicitor for *A.B.*

be I have taxed the costs of the..... at
\$.....

(Stating the usual place of abode of the suppliant, and if he has a solicitor, the place of business of such solicitor.)

R.R.O. 1970, Reg. 545, Form 135.

Endorsement

The suppliant prays for a plea or answer on behalf of Her Majesty within twenty-eight days, or otherwise that the petition may be taken as confessed.

R.R.O. 1970, Reg. 545, Form 132.

Form 133

NOTICE TO APPEAR TO PETITION

To.....

You are hereby required to appear to the within petition in Her Majesty's Supreme Court of Ontario within eight days, and to plead or answer thereto within fourteen days after the date of service hereof.

Take notice that, if you fail to plead or answer in due time, the said petition may, as against you, be ordered to be taken as admitting the truth of the matters set up in the petition.

R R.O. 1970, Reg. 545, Form 133.

Form 134

CERTIFICATE OF JUDGMENT
FOR PETITIONER

To the Honourable the Treasurer of Ontario:

In the matter of the petition of right of *A.B.*, in
Her Majesty's Supreme Court of Ontario.

I hereby certify that on the.....day of
....., 19...., it was by the said
Court adjudged [or ordered] that the above-named
suppliant was entitled to, etc.

(Judge)

R.R.O. 1970, Reg. 545, Form 134.

MISCELLANEOUS FORMS

Form 135

Certificate of Taxation

I certify that pursuant to the judgment [or order
herein dated or the request of the Master, or as may

Form 136

MODE OF MARKING EXHIBITS AT THE TRIAL

(RULE 262)

In the Supreme Court of Ontario

Smith vs. Jones

This Exhibit, the property of..... is
produced by the plaintiff [or defendant as the
case may be] this day of

19....

Registrar [or Local Registrar]

R.R.O. 1970, Reg. 545, Form 136.

Form 137

SCHEDULE OF EXHIBITS

(RULE 262)

In the Supreme Court of Ontario

Smith vs. Jones

List of exhibits put in at the trial of this action
at the day of

19....

Plaintiff's Exhibits

- (1) Patent.
- (2) Deed, Jones to Smith.
- (3) Bundle promissory notes (six in all).

Defendant's Exhibits

- (4) Records of proceedings at Lodge of A.O.U.W.
(5) Will of Arthur Brown.

.....
(signature of officer)

R.R.O. 1970, Reg. 545, Form 137.

Form 138**FORM OF SATISFACTION PIECE**

(RULE 539)

Satisfaction is acknowledged of the judgment bearing date the day of, 19...., in an action in the Supreme Court of Ontario wherein *A.B.* was plaintiff and *C.D.* and others were defendants, whereby it was adjudged that the plaintiff should recover against the said defendants the sum of

\$..... for debt and the further sum of

\$..... for costs.

And the said *A.B.* also acknowledges that he had expressly nominated and appointed *M.N.*, as his solicitor, to inform him of the nature and effect of his acknowledgment of satisfaction before the same was executed by him, and the said *M.N.* did so inform him.

Signed by the said *A.B.* on the

..... day of 19....

.....
signature of *A.B.*

X.Y.
..... and I the said *M.N.* a solicitor entitled a witness to the signature of the above named plaintiff *A.B.* and I verily believe the said signature of *A.B.* above is that of the said plaintiff.

.....
signature of *M.N.*

R.R.O. 1970, Reg. 545, Form 138; O. Reg. 628/76, s. 23.

Form 139**BONDS, ETC.****REPLEVIN BOND**

(RULES 362 AND 363)

Know all men by these presents, that we *A.B.* (*the plaintiff*) of *W.G.* of

....., and *J.S.*, of, are jointly and severally held and firmly bound to *W.P.*,

Esquire, Sheriff of the County of

in the sum of \$..... of lawful money of Canada, to be paid to the said Sheriff, or his certain attorney, executors, administrators or assigns, for which payment to be well and truly

made we bind ourselves, and each and every of us in the whole, our, and each and every of our heirs, executors and administrators, firmly by these presents.

Dated this day of, 19....

The condition of this obligation is such that, if the above bounden *A.B.* prosecute his action with effect and without delay against *C.D.* for the taking and unjustly detaining [*or unjustly detaining, as the case may be*] of his goods and chattels, to wit: (*here set forth the property distrained, taken or detained*), and do make a return of the said property, if a return thereof shall be adjudged, and also to pay such damages as the defendant shall sustain by the issuing of the order of replevin if the said *A.B.* fails to recover judgment in his said suit, and further do observe, keep and perform all rules and orders made by the Court in the said action [*where Rule 363 so requires add and do indemnify and save harmless the defendant from all loss and damage which he may sustain by reason of the seizure of the said goods and chattels (as the case may be) and of any deterioration of the same in the meantime in the event of their being returned and all costs and expenses which the defendant may incur, including reasonable costs not taxable between party and party*], then this obligation shall be void, or else remain in full force and virtue.

Sealed and delivered |

in the presence of |

Form of Assignment

Know all men by these presents, that I, *W.P.*,

Esquire, Sheriff of the of, have at the request of the within-named *C.D.*, the defendant in this cause, assigned over this Replevin Bond unto the said *C.D.*, pursuant to the Rules of the Supreme Court of Ontario in that behalf.

In witness whereof I have hereunto set my hand and seal of office this day of, 19....

Sealed and delivered |

in the presence of |

R.R.O. 1970, Reg. 545, Form 139.

Form 140**PETITION FOR DIVORCE**

(RULE 787)

No.....19....

In the Supreme Court of Ontario

Between

A.B.

Petitioner

and

C.D. (and E.F.)

Respondent(s)

PETITION FOR DIVORCE

TO THIS HONOURABLE COURT:

I hereby petition for a decree of divorce from the Respondent spouse (*and where applicable* and for an order for alimony, custody, maintenance or costs *as the case may be under Rule 778*) on the grounds and in the circumstances following:

(*set out such information in paragraphs numbered and lettered as follows*)

1. GROUNDS:

A. My Petition is under the *Divorce Act* (Canada), section, subsection..... (and section, subsection....., *as the case may be*)

B. The particulars of my grounds for divorce are: (*here set forth fully but concisely all the material facts relied on but not the evidence by which they may be proved, and in a case under paragraph 4 (1) (c) set forth the last place of cohabitation, the circumstances in which cohabitation ceased, the date when and the place where the respondent spouse was last seen or heard of and the steps taken to trace him*)

2. RECONCILIATION:

A. The particulars of the circumstances which may assist the Court in ascertaining whether there is a possibility of reconciliation or resumption of cohabitation are:

B. (*where applicable*) The following efforts to reconcile have been made:

3. PARTICULARS OF MARRIAGE:

(*where possible, set out the particulars from the marriage certificate*)

A. The date of the marriage was:

B. The place of the marriage was:

C. The surname of the wife before marriage was:

D. The maiden surname of the wife was:

E. The marital status of the spouses at the time of the marriage was, wife: husband:

F. The wife was born at
(province or country)

on.....19....
(month) (day)

G. The husband was born at
(province or country)

on.....19....
(month) (day)

H. Filed herewith is a certificate of the marriage or of the registration thereof (*or where such certificate cannot be produced, substitute: I am unable to file a certificate of the marriage or of the registration thereof because*.....)

4. DOMICILE AND JURISDICTION:

(*street address need not be shown in A and B below*)

A. My residence is in the municipality of
..... in the Province of

B. My spouse's residence is in the municipality of
..... in the Province of

C. I ceased to cohabit with my spouse on or about:

D. My domicile is:

E. Such domicile has subsisted since:

F. I have [*or the respondent spouse has as the case may be*] been ordinarily resident in the Province of Ontario for a period of at least one year immediately preceding the presentation of

this petition and have [or has] actually resided in the said province for at least ten months of that period at: [set out place or places of residence]

5. AGE AND DISABILITY

- A. The names of any of the parties under eighteen years of age and the ages of such parties are:
- B. The names of the parties suffering any other legal disability and the nature thereof are:

6. CHILDREN:

- A. The names and dates of birth of all living children of the marriage as defined by the *Divorce Act* (Canada) are:
- B. The particulars of the past, present and proposed custody, care, upbringing and education of the said child(ren) are as follows:
- C. I claim custody of the following child(ren):
- D. The facts on which such claim for custody is founded are:

7. OTHER PROCEEDINGS:

- A. The particulars and status of all other petitions or proceedings instituted with reference to the marriage or any child thereof, including applications to the Parliament of Canada or actions for alimony or application under any statute and including any arrears of payments thereunder, are:

8. SEPARATION AGREEMENTS AND FINANCIAL ARRANGEMENTS:

- A. The dates of any written or oral separation or financial agreements between the parties are: ...
- B. (where a claim for corollary relief is made) The financial position, both income and capital, of the respective spouses is:

9. COLLUSION, CONDONATION AND CONNIVANCE:

- A. There has been no collusion in relation to this Petition.
- B. [where the petition is under section 3 of the *Divorce Act* (Canada)]. There has been no condonation of or connivance at the grounds for divorce set forth in this Petition (or, where there has been either connivance or condonation give the full particulars of the facts on which the Court will be asked to find that the public interest would be better served by granting the decree).

10. JOINDER OF OTHER CAUSES OF ACTION:

When any other cause of action is joined with a matrimonial causes action, set out concisely in convenient following numbered paragraphs a statement of material facts relied upon.

11. RELIEF ASKED:

I therefore ask this Honourable Court for the following relief:

- A. A decree that I be divorced from the respondent, C.D.
- B.
- C.
- etc., etc.

12. DECLARATION OF PETITIONER:

I have read and understand this Petition. Those statements contained therein of which I have personal knowledge are true, and those of which I do not have personal knowledge I believe to be true.

Dated at, this day of, 19....

.....
(signature of petitioner)

.....
(address for service)

PLACE OF HEARING

I propose that this petition be heard at
at a Matrimonial Causes Sittings of this Court (or
at a High Court Sittings of this Court *as the case
may be*).

STATEMENT OF SOLICITOR

(Where Petition is presented by a solicitor, etc.)

I, X.Y., the (solicitor, etc.) for A.B., the Petitioner
herein certify to this Court that I have complied with
the requirements of section 7 of the *Divorce Act*
(Canada). (Where the circumstances of the case are
of such a nature that it would clearly not be appropriate
to so comply, set out such circumstances)

Dated at this
day of, 19....

.....
(signature of solicitor)

R.R.O. 1970, Reg. 545, Form 140; O. Reg. 284/71,
s. 13; O. Reg. 520/71, s. 12; O. Reg. 107/74, s. 7;
O. Reg. 520/78, s. 56.

Form 141

NOTICE OF PETITION FOR DIVORCE

(RULE 787)

No. 19....

In the Supreme Court of Ontario

Between

A.B.

Petitioner

(Seal)

and

C.D. (and E.F.)

Respondent(s)

NOTICE OF PETITION FOR DIVORCE

To: C.D., of the of

in the of

(And To: E.F., of the of

in the of

TAKE NOTICE that a Petition for a Decree of
Divorce has been presented to this Court by the
Petitioner. A copy of it is attached to this notice.

AND FURTHER TAKE NOTICE that if you wish to
appear but do not necessarily oppose the Petition,
you may cause an Appearance to be entered but
such entry of Appearance does not enlarge the time
for serving and filing an Answer.

AND FURTHER TAKE NOTICE that if you wish to
oppose the said Petition or if you wish other relief
you must cause your Answer or Answer and Counter-
petition to be served on the Petitioner and filed
with proof of service in the office of the undersigned
registrar within the time hereinafter stated:

Where you are served within Ontario, within
twenty days after service on you of this Notice,
inclusive of the day of such service;

Where you are served elsewhere in Canada or
within one of the United States of America,
within forty days after service on you of this
Notice, inclusive of the day of such service;

or

Where you are served elsewhere than in Canada
or within one of the United States of America,
within sixty days after service on you of this
Notice, inclusive of the day of such service.

AND FURTHER TAKE NOTICE that your failure to
file an Answer or Counter-petition in this proceeding
may result in the loss of your right to maintenance
or support.

AND FURTHER TAKE NOTICE that a decree and
other relief may be given in your absence and in
default of your entering an Appearance or of your
serving and filing such Answer within the time pre-
scribed above, this proceeding may be set down for
hearing at the place proposed by the Petitioner in his
Petition and (subject to the Rules of Court) you will
not be entitled to any further notice of hearing or
notice of any further proceedings.

AND FURTHER TAKE NOTICE that where an
Appearance is entered or an Answer is served or
filed, it must be in accordance with the Rules of
Court.

AND FURTHER TAKE NOTICE that you may
ascertain the approximate date of the hearing of the
said Petition and the date and details of any decree
from the office of the said registrar.

AND FURTHER TAKE NOTICE that any decree
given at such hearing may become final after the
expiration of such time from the granting thereof as
the decree may provide unless in the meantime you
deliver to the undersigned and to the petitioner and to
Her Majesty's Proctor at Toronto, a written Notice
that you wish to show cause why the decree should
not become final and the grounds therefor.

AND FURTHER TAKE NOTICE that neither spouse is free to remarry as a result of these proceedings until a decree of divorce has been granted and such decree has been made final.

Dated at the
day of 19....

.....
(Local) Registrar, S.C.O.

.....
(address)

The Petitioner's address is:.....

This Notice of Petition was issued on behalf of the

Petitioner by:..... solicitor(s)

whose address is:.....

NOTE 1: This Notice is to be served upon the respondent spouse within ninety days from the date on which it was issued, unless otherwise ordered.

NOTE 2: The person who serves this notice shall at the time of service request each respondent to complete and sign in his presence the following form of acknowledgment of service and shall sign his name as a witness to any signature thereto.

I am the person named as.....
a Respondent in this Notice of Petition. I have this day received a copy of the within Notice and attached Petition and my mailing address for further

service of documents is:.....

.....
(signature)

WITNESS:

.....

R.R.O. 1970, Reg. 545, Form 141; O. Reg. 285/71,
s. 22.

Form 142

AFFIDAVIT OF SERVICE OF A PETITION AND NOTICE OF PETITION FOR DIVORCE

(RULE 791)

No.....19....

In the Supreme Court of Ontario

Between

A.B.

Petitioner

and

C.D. (and E.F.)

Respondent(s)

AFFIDAVIT OF SERVICE

I,.....
of the.....of....., in the.....
of.....
(occupation)

make oath and say as follows:

1. I did on....., the.....

day of....., 19...., personally serve the above-named respondent(s) with the attached Notice of Petition for Divorce together with the Petition for Divorce attached thereto by delivering true copies of the same to and leaving the same with the said respondent(s) on the day afore-

said at:.....

2. Upon the said copies so served as aforesaid were endorsed at the time of such service true copies of all the endorsements appearing upon the original Notice of Petition and Petition.

3. At the time of such service I requested the said respondent(s) to complete and sign the acknowledgment of service endorsed on the said Notice of Petition and my request was complied with and I witnessed such signature(s) and signed the endorsement accordingly (or my request was refused as the case may be).

4. My means of knowledge as to the identity of the person(s) so served were as follows:

(a)

(b)

Etc., etc.

5. To effect such service I necessarily travelled
.....miles.

Sworn, etc.

R.R.O. 1970, Reg. 545, Form 142.

Form 142A

NOTICE WHEN SUBSTITUTED
SERVICE ORDERED

(RULE 793)

In the Supreme Court of Ontario

NOTICE TO: C.D. (and E.F.)

A Petition for divorce (*where applicable, add: and for alimony, and for maintenance, and for custody*

and maintenance of the infant child.....
and for costs) has been presented by A.B. You
may inspect the Petition at the office of the
..... Registrar of this Court at

..... If you wish to
appear to or oppose the Petition, or if you seek other
relief, your Appearance or Answer or Answer and
Counter-petition must be delivered in accordance
with the Rules of Court. In default of Appearance
or Answer you will not be entitled to notice of any
further proceedings. A copy of the Petition and
Notice of Petition will be mailed to you on receipt
of a written request addressed to the above-named

..... Registrar.

.....
(solicitor for the petitioner)

.....
(address)

R.R.O. 1970, Reg. 545, Form 142A; O. Reg. 285/71,
s. 23.

Form 143

ANSWER TO PETITION FOR DIVORCE

(RULE 795)

No.....19....

In the Supreme Court of Ontario

Between

A.B.

Petitioner

and

C.D. (and E.F.)

Respondent(s)

ANSWER

1. The respondent(s) admit(s) the allegations
in paragraphs..... and
of the petition for divorce.

2. (*set out concisely in convenient paragraphs a
statement of the material facts relied upon for
contesting petition*)

DELIVERED, etc.

R.R.O. 1970, Reg. 545, Form 143.

Form 143A

APPEARANCE

(RULE 795)

Enter an appearance for (*giving the name of the
person for whom appearance is to be entered*) in this
proceeding.

Dated the day of,

19....

Signed.....

.....
(address)

R.R.O. 1970, Reg. 545, Form 143A.

Form 144**ANSWER AND COUNTER-PETITION**

(RULE 795)

No. 19....

In the Supreme Court of Ontario

Between

A.B.

Petitioner

and

C.D. (and E.F.)

Respondent(s)

(where another person as well as the petitioner is made a party to the counter-petition, add a second style of cause)

And Between

C.D.

Petitioner by Counter-petition

and

A.B. and G.H.

Respondents by Counter-petition

ANSWER AND COUNTER-PETITION

1. The respondent C.D. admits the allegation in paragraphs and of the petition for divorce.

2. *(set out concisely in convenient paragraphs a statement of the material facts relied upon for contesting petition)*

3. *Joinder of other Causes of Action:*

When any other cause of action is joined with a matrimonial causes action, set out concisely in convenient following numbered paragraphs a statement of material facts relied upon.

4. I hereby petition for a decree of divorce *(and where applicable and for an order for alimony, custody, maintenance and costs as the case may be under rule 778)* on the grounds and in the circumstances following: *(complete all the numbered paragraphs of Form 140 the facts of which have not been*

admitted in paragraph 1 hereof and, where the relief asked includes a claim for a decree of divorce, the statement of the solicitor according to Form 140)

DELIVERED, etc.

R.R.O. 1970, Reg. 545, Form 144; O. Reg. 520/78, s. 57.

Form 145**NOTICE TO RESPONDENT ADDED BY COUNTER-PETITION**

(RULE 795)

No. 19....

In the Supreme Court of Ontario

Between

A.B.

Petitioner

(Seal)

and

C.D. (and E.F.)

Respondent(s)

And Between

C.D.

Petitioner by Counter-petition

and

A.B. and G.H.

Respondents by Counter-petition

NOTICE TO RESPONDENT ADDED BY COUNTER-PETITION

To: G.H. of the of
in the of

TAKE NOTICE that a Petition for a Decree of Divorce has been presented to this Court by A.B., a copy of which is attached to this Notice.

AND FURTHER TAKE NOTICE that the respondent C.D. has filed an answer and counter-petition against A.B. and you, the said G.H., a copy of which is attached to this Notice.

AND FURTHER TAKE NOTICE that if you wish to appear but do not necessarily oppose the Counter-petition, you may cause an Appearance to be entered but such entry of Appearance does not enlarge the time for serving and filing an Answer.

AND FURTHER TAKE NOTICE that if you wish to oppose the said Counter-petition or if you wish other relief you must cause your Answer to be served on the said *C.D.* and on the Petitioner *A.B.* and filed with proof of service in the office of the undersigned registrar within the time hereinafter stated:

Where you are served within Ontario, within twenty days after service on you of this Notice, inclusive of the day of such service;

Where you are served elsewhere in Canada or within one of the United States of America, within forty days after service on you of this Notice, inclusive of the day of such service; or

Where you are served elsewhere than in Canada or within one of the United States of America, within sixty days after service on you of this Notice, inclusive of the day of such service.

AND FURTHER TAKE NOTICE that a decree and other relief may be given in your absence and in default of your entering an Appearance or of your serving and filing such Answer within the time prescribed above, this proceeding may be set down for hearing at the place proposed by the Petitioner in his Petition and (subject to the Rules of Court) you will not be entitled to any further notice of hearing or notice of any further proceedings.

AND FURTHER TAKE NOTICE that where an Appearance is entered or an Answer is served or filed, it must be in accordance with the Rules of Court.

AND FURTHER TAKE NOTICE that any decree given at the hearing of these proceedings may become final after the expiration of such time from the granting thereof as the decree may provide unless in the meantime you deliver to the undersigned and to *C.D.* and to *A.B.* the petitioner and to Her Majesty's Proctor at Toronto, a written Notice that you wish to show cause why the decree should not become final and the grounds therefor.

Dated at, the

day of, 19....

.....
(Local) Registrar, S.C.O.

.....
(address)

The address of *C.D.* is:

This Notice of Counter-petition was issued on behalf

of the Counter-petitioner by:

solicitor(s) whose address is:

NOTE 1: This Notice is to be served upon the respondent added by counter-petition within thirty days from the date on which it was issued, unless otherwise ordered.

NOTE 2: The person who serves this notice shall at the time of service request the respondent added by counter-petition to complete and sign in his presence the following form of acknowledgment of service and shall sign his name as a witness to any signature thereto.

I am the person named as
a Respondent added by Counter-petition in this Notice of Counter-petition. I have this day received a copy of the within Notice, the attached Answer and Counter-petition and the Petition and my mailing address for further service of documents is

.....
(signature)

WITNESS:

.....
(date)

R.R.O. 1970, Reg. 545, Form 145.

Form 146

NOTICE OF HEARING FOR MATRIMONIAL CAUSES

(RULE 799)

No. 19....

In the Supreme Court of Ontario

Between

A.B.

Petitioner

and

C.D. (and *E.F.*)

Respondent(s)

NOTICE OF HEARING

TAKE NOTICE that this proceeding was set down on the day of, 19....

for hearing in the County of
at a Matrimonial Causes Sittings (or at a sittings of the High Court as the case may be).

AND TAKE NOTICE that you may ascertain the sittings for which this proceeding was set down from the Registrar of this Court at

AND FURTHER TAKE NOTICE that if this proceeding is not heard at such sittings the same may be heard at a subsequent sittings without further notice to you.

DELIVERED, etc.
R.R.O. 1970, Reg. 545, Form 146; O. Reg. 284/71, s. 14.

Fórm 147

NOTICE OF TRANSFER

(RULE 799)

No..... 19....

In the Supreme Court of Ontario

Between

A.B.

Petitioner

and

C.D. (and E.F.)

Respondent(s)

TAKE NOTICE that has caused this proceeding to be transferred to a Matrimonial Causes Sittings (or to a sittings of the High Court *as the case may be*) at

AND TAKE NOTICE that you may ascertain when this proceeding may be heard from the Registrar of this Court at
DELIVERED, etc.

O. Reg. 284/71, s. 15.

Form 148

DECREE NISI

(RULE 804)

No.....19....

In the Supreme Court of Ontario

The Honourable Mr.
Justice.....
(or HIS HONOUR JUDGE
....., Local
Judge *as the case may be*)

Between

A.B.

Petitioner

(Seal)

and

C.D. (and E.F.)

Respondent(s)

DECREE NISI

This proceeding coming on this day for hearing at the sittings of this Court at....., in the presence of counsel for the petitioner, no one appearing for the respondents (*or as the case may be*) although duly served with the notice of petition and the petition (*and where applicable* and with notice of hearing), upon hearing read the pleadings and hearing the evidence adduced, and what was alleged by counsel aforesaid: (*where the decree may be made absolute in less than three months add* and the Court being of opinion that by reason of special circumstances it would be in the public interest for the decree to be made absolute after the expiration of from the date hereof, and the parties having agreed and undertaken that no appeal will be taken from this decree)

1. THIS COURT DOTH DECREE AND ADJUDGE that the petitioner A.B., whose marriage to the respondent C.D. was solemnized at the of in the of on the..... day of....., 19...., be divorced from the said respondent C.D. unless sufficient cause be shown to this court within from the date hereof why this decree should not be absolute.

2. AND THIS COURT DOTH ORDER AND ADJUDGE
3. AND THIS COURT DOTH FURTHER ORDER AND ADJUDGE.....

JUDGMENT signed thisday of.....,
19....
.....
(Local) Registrar, S.C.O.

*(The following notice shall be inscribed at the foot of the
decree nisi unless service of the decree nisi has been
dispensed with)*

NOTICE OF DECREE NISI

To the respondent C.D.

TAKE NOTICE that this decree nisi for divorce
was granted by this Court in these proceedings and
may become final after the expiration of.....
from its date or after the expiration of one month
from the day of service of this decree upon you
(and upon the Official Guardian, where required by
the Rules) whichever shall be the longer period of
time unless in the meantime you deliver to the
undersigned and to the solicitor for the petitioner
and to Her Majesty's Proctor at Toronto a written
notice that you wish to show cause why this decree
should not become final and the grounds therefor.

AND FURTHER TAKE NOTICE that you are not
free to remarry as a result of these proceedings
until this decree has been made final by the court.

.....
(Local) Registrar, S.C.O.
.....
(address)

R.R.O. 1970, Reg. 545, Form 148; Reg. 284/71, s. 16.

Form 149

DECREE ABSOLUTE AT HEARING

(RULE 804)

No.....19....

In the Supreme Court of Ontario

The Honourable Mr.
Justice.....
(or HIS HONOUR JUDGE
..... Local
Judge as the case may be)

.....day, the.....
day of....., 19....

Between

A.B.

Petitioner

(Seal) and

C.D. (and E.F.)

Respondent(s)

DECREE ABSOLUTE AT HEARING

This proceeding coming on this day for hearing at

the sittings of this Court at.....,
in the presence of counsel for all parties, upon
hearing read the pleadings and hearing the evidence
adduced, and what was alleged by counsel aforesaid,
and the Court having decreed and adjudged that the
petitioner is entitled to be divorced from the
respondent spouse, and having granted a decree nisi,
and the parties having agreed and undertaken that
no appeal will be taken from that decree, and the
Court being of opinion that by reason of special
circumstances it would be in the public interest for a
decree absolute to be granted at this hearing,

1. THIS COURT DOTH DECREE AND ADJUDGE
that the petitioner A.B., whose marriage to the
respondent C.D. was solemnized at the.....
of....., in the.....of.....,
on the.....day of....., 19....,
is hereby divorced from the said respondent C.D.

2. AND THIS COURT DOTH ORDER AND ADJUDGE

3. AND THIS COURT DOTH FURTHER ORDER AND
ADJUDGE.....

JUDGMENT signed thisday of.....,
19....
.....
(Local) Registrar, S.C.O.

R.R.O. 1970, Reg. 545, Form 149; O. Reg. 284/71,
s. 17, *part*.

Form 150

APPLICATION FOR DECREE ABSOLUTE BY
PETITIONER OR COUNTER-PETITIONER

(RULE 806)

No.....19....

In the Supreme Court of Ontario

Between

A.B.

Petitioner

and

C.D. (and E.F.)

Respondent(s)

APPLICATION FOR DECREE ABSOLUTE BY
THE PETITIONER (or COUNTER-
PETITIONER as the case may be)

I, X.Y., the solicitor in this proceeding for the petitioner A.B. (or counter-petitioner C.D. as the case may be) give notice that application is hereby made for decree absolute in this proceeding and I hereby certify to this Honourable Court that:

- 1. No appeal from the decree nisi herein has been served upon me or upon my firm.
- 2. No notice of desire to show cause why the decree should not be made absolute has been served upon me or upon my firm.

SIGNED thisday of....., 19....

.....

(signature)

.....

(address)

NOTE 1: Where notice of appeal or of desire to show cause has been given in the proceeding, the certificate of the solicitor shall state the fact and shall certify as to the disposition thereof.

NOTE 2: This notice of application is to be signed after the expiration of the period that must intervene before the decree nisi may be made absolute and within ten days of the filing thereof.

R.R.O. 1970, Reg. 545, Form 150.

Form 151

CERTIFICATE OF REGISTRAR

(RULE 806)

No.....19....

In the Supreme Court of Ontario

Between

A.B.

Petitioner

and

C.D. (and E.F.)

Respondent(s)

CERTIFICATE OF REGISTRAR

I,.....

of the.....of.....

in the.....of.....

hereby certify to this Honourable Court that:

- 1. I have made or caused to be made the searches required by Rule 806 (2) and state that
 - (a) no appeal from the decree nisi is pending (or the appeal taken has been abandoned or dismissed as the case may be),
 - (b) no order has been made extending the time for appealing from the decree nisi (or an order has been made extending the time for appealing from the decree nisi and such time has expired without an appeal having been taken as the case may be), and
 - (c) no notice of desire to show cause why the decree nisi should not be made absolute has been filed (or a notice of desire to show cause why the decree nisi should not be made absolute was filed and has been dealt with by the court as follows..... as the case may be)

2. The rules relating to the granting of a decree absolute have been complied with. (where such rules have not been complied with, the registrar shall state the circumstances fully)

Dated at....., this.....

day of....., 19....

.....

(Local) Registrar, S.C.O.

R.R.O. 1970, Reg. 545, Form 151.

Form 152

DECREE ABSOLUTE OTHER
THAN AT THE HEARING

(RULE 804)

No.....19....

In the Supreme Court of Ontario

The Honourable Mr. Justice.....
 (or HIS HONOUR JUDGEday, the.....
, Local day of....., 19....
 Judge as the case may be).

Between

A.B.

Petitioner

(Seal)

and

C.D. (and E.F.)

Respondent(s)

DECREE ABSOLUTE

The petitioner (or as the case may be) having made application for a decree making absolute the decree nisi herein whereby this Court did decree and adjudge that the petitioner be divorced from the respondent spouse unless sufficient cause be

shown to this Court within.....
 from the date thereof why the said decree should not be made absolute and no such cause having been shown:

1. THIS COURT DOTH DECREE AND ADJUDGE

that the decree nisi herein dated theday of
, 19...., be and it is hereby made absolute and that the petitioner *A.B.*, whose marriage to the respondent *C.D.* was solemnized
 at the.....of.....
 in the.....of.....
 on the.....day of....., 19....,
 is hereby divorced from the said respondent, *C.D.*

JUDGMENT signed this.....day of.....,
 19....

.....
 (Local) Registrar, S.C.O.

R.R.O. 1970, Reg. 545, Form 152; O. Reg. 284/71,
 s. 17, *part.*

TARIFF A

TARIFF OF FEES TO BE ALLOWED SOLICITORS IN THE
 SUPREME COURT AND UPON PROCEEDINGS UNDER
 ANY STATUTE BEFORE A JUDGE OF THE SUPREME
 COURT

1. For institution of an action or of proceedings before an administrative tribunal..... \$35.00
 Where writ specially endorsed, an additional \$15.00.
 This item covers all costs except those of applications in court or chambers up to and including search for appearance.
2. Defence..... 20.00
 Where an affidavit of merits is filed to a specially endorsed writ, an additional \$10.00 subject to increase in cases of a difficult nature or involving large amounts or values, in the discretion of the taxing officer, up to \$40.00.
3. Pleadings..... 30.00
 Subject to increase, in the discretion of the taxing officer, up to \$100.00.
4. Discovery of documents..... 20.00
 Subject to increase, in the discretion of the taxing officer, up to \$100.00.
 This item includes notices to produce, affidavits on production and production.
5. Drawing and settling issues and stated cases..... 25.00
 Subject to increase, in the discretion of the taxing officer, up to \$100.00.
6. Third party notice or summons to party added by counter-claim..... 20.00
7. Record and entry for trial..... 10.00
8. Upon *ex parte* motions, including order..... 30.00
9. Upon contested motions, including order..... 35.00
 Subject to increase, in the discretion of the taxing officer, up to \$100.00.
 Where questions of special importance and difficulty are involved or matters of substance are determined a further increased fee and a fee to junior counsel may be allowed in the discretion of the taxing officer.
10. Application for decree absolute in a matrimonial cause where counsel not required to attend..... 25.00
11. Application for confirmation of an order or report in a mental incompetency proceedings, where counsel are not required to attend, including order... 45.00
12. Examinations including preliminary proceedings, preparation and counsel

fee, up to	\$35.00	17. Counsel fee on reference including all preliminary proceedings, notices, affidavits, appointments, services, etc., attendances, correspondence, preparation, counsel fee on reference, report including attendances signing same, filing report and serving notice of filing, in the discretion of the officer taxing.	
An increased fee may be allowed in the discretion of the taxing officer.		In addition to the above fee, in the discretion of the officer taxing, additional fees may be allowed in a sale action for preparation of conditions of sale and advertisement, arranging for advertising and for auctioneer, conducting sale, arranging for payment of purchase price and for the preparation of a conveyance where one is executed or for arranging a private sale.	
12A. Counsel fee on a pre-trial conference at the discretion of the Taxing Officer.		The fees provided in the above paragraphs may be taxed by the officer hearing the reference or by the taxing officer subject to any direction in the order of reference.	
13. Counsel fee in an action or proceeding other than a motion including preparation for trial, notice of trial, notice to admit and to produce at trial, subpoenas, correspondence, brief at trial, counsel fee at trial or on acceptance of monies paid into court or on settlement, written argument, and attendance to hear judgment, in the discretion of the taxing officer up to	250.00	An appeal lies from the taxation of costs under this item by the officer hearing the reference to a judge in chambers in the same manner as an appeal from the certificate of a taxing officer under subrule 516 (2).	
An increased fee and fee to junior counsel may be allowed in the discretion of the taxing officer.			
14. Judgment or decree, or order on motion or on appeal to an appellate court including drafting, settlement and issue of same,		18. Signing default judgment	\$ 25.00
To the party having carriage	15.00	19. Writ of execution and each renewal thereof	6.00
To other parties	10.00	20. A <i>praecipe</i> order for revivor and service thereunder where occasioned by the death or the transmission of interest of an opposite party	25.00
Subject to increase, in the discretion of the taxing officer, up to \$50.00.		21. Taxation of costs	15.00
15. Counsel fee on originating motion including all preliminary proceedings, notices, affidavits, services, etc., correspondence, compliance with rule 238, preparation, counsel fee on motion, and attendance to hear judgment up to	75.00	The taxing officer may, in his discretion, refuse costs of taxation or include such costs or award costs of taxation and adjournments thereof to either party, such costs to be taxed by him when and as allowed.	
Subject to increase in the discretion of the taxing officer. A fee to junior counsel on the motion may be allowed in the discretion of the taxing officer. This item applies to all applications under the provisions of any statute.		TARIFF OF FEES TO BE ALLOWED SOLICITORS IN COUNTY COURTS AND UPON PROCEEDINGS UNDER ANY STATUTE TAKEN BEFORE THE JUDGE OF THE COUNTY COURT OR BEFORE ANY JUDICIAL OFFICER OTHER THAN A JUDGE OF THE SUPREME COURT	
16. Counsel fee on a motion for leave to appeal and counsel fee on an appeal to an appellate court including all preliminary proceedings, notices, services, etc., appeal book, memoranda of fact and law, preparation, counsel fee on appeal and attendance to hear judgment, in the discretion of the taxing officer. A fee to junior counsel on the argument of the appeal may be allowed in the discretion of the taxing officer. This item applies to all appeals to an appellate court other than as provided in Tariff A, County Court and in the <i>Small Claims Courts Act</i> .		1. For institution of an action	\$ 20.00
		Subject to increase in cases involving \$3,000 or more, up to \$35.00.	
		This item covers all costs except those of applications in court or chambers up to and including search for appearance.	

Where writ specially endorsed, an additional \$10.00.	
2. Defence..... \$ 15.00	9A. Counsel fee on a pre-trial conference at the discretion of the Clerk.
Subject to increase in cases involving \$3,000 or more, up to \$25.00.	10. Counsel fee in an action or proceeding other than a motion including preparation for trial, notice of trial, notice to admit and to produce at trial, subpoenas, correspondence, brief at trial, counsel fee at trial or on acceptance of monies paid into court or on settlement, written argument, and attendance to hear judgment, up to..... \$ 100.00
Where an affidavit of merits is filed to a specially endorsed writ, an additional \$10.00.	
3. Pleadings..... 20.00	An increased fee may be allowed in the discretion of the Clerk.
Subject to increase in cases involving between \$1,500 and \$3,000, up to \$40.00, and in cases involving \$3,000 or more, up to \$60.00.	11. Judgment, or order on motion or on appeal to the Court of Appeal, including drafting minutes, settlement and issue of same:
4. Discovery of documents..... 10.00	To the party having carriage..... 10.00
Subject to increase in cases involving between \$1,500 and \$3,000, up to \$40.00, and in cases involving \$3,000 or more, up to \$60.00.	To other parties..... 5.00
This item includes notices to produce, affidavits on production and production.	Subject to increase in cases involving \$1,500 or more, up to \$20.00.
5. Third party notice or summons to party added by counterclaim..... 15.00	12. Counsel fee on originating motion including all preliminary proceedings, notices, affidavits, services, etc., correspondence, preparation, counsel fee on motion and attendance to hear judgment, up to..... 40.00
6. Record and entry for trial..... 5.00	An increased fee may be allowed in the discretion of the Clerk.
7. Upon <i>ex parte</i> motions, including order. 15.00	This item applies to all applications under the provisions of any statute.
Subject to increase in cases involving between \$1,500 and \$3,000, up to \$20.00, and in cases involving \$3,000 or more, up to \$30.00.	13. Counsel fee on appeal to the Court of Appeal including all preliminary proceedings, notices, services, etc., appeal book, statement of points of law and fact, preparation, counsel fee on appeal and attendance to hear judgment, in the discretion of the taxing officer.
8. Upon contested motions, including order 20.00	This item applies to all appeals under the <i>County Courts Act</i> and the <i>Surrogate Courts Act</i> .
Subject to increase in the discretion of the clerk in cases involving between \$1,500 and \$3,000, up to \$75.00, and in cases involving \$3,000 or more, up to \$100.00.	In cases in which under the <i>County Courts Act</i> the costs in the county court are allowed upon the Supreme Court scale, the costs of an appeal shall be taxed upon the Supreme Court scale, unless the Court of Appeal otherwise directs.
9. Examinations, including preliminary proceedings, preparation and counsel fee..... 20.00	In appeals from the Surrogate Court where in the Surrogate Court the costs are taxable or have been taxed upon
Subject to increase in cases involving between \$1,500 and \$3,000, up to \$50.00.	
In cases involving \$3,000 or more, a further increased fee may be allowed in the discretion of the Clerk.	
This item includes examinations taken on commission.	

the Supreme Court scale, the costs of an appeal shall be taxed upon the Supreme Court scale, unless the Court of Appeal otherwise directs.

14. Counsel fee on reference including all preliminary proceedings, notices, affidavits, appointments, services, etc., attendances, correspondence, preparation, counsel fee on reference, report including attendance signing same, filing report and serving notice of filing, in the discretion of the Clerk.

In addition to the above fee, in the discretion of the Clerk, additional fees may be allowed in a sale action for preparation of conditions of sale and advertisement, arranging for advertising and for auctioneer, conducting sale, arranging for payment of purchase price and for the preparation of a conveyance where one is executed or for arranging a private sale.

- 15. Signing default judgment..... \$ 15.00
- 16. Writ of execution and each renewal thereof..... 4.00
- 17. A *praecipe* order of revivor and service thereunder where occasioned by the death or the transmission of interest of an opposite party 15.00
- 18. Taxation of costs..... 10.00

The Clerk may, in his discretion, refuse costs of taxation or include such costs or award costs of taxation and adjournments thereof to either party, such costs to be taxed by him when and as allowed.

TARIFF OF FEES TO BE ALLOWED SOLICITORS IN PROCEEDINGS IN UNCONTESTED DIVORCE MATTERS UNDER THE *Divorce Act* (CANADA).

For the purpose of taxation of costs in divorce proceedings, the hearing of all petitions under the Act shall be considered uncontested except as to those in which the trial judge shall otherwise direct.

- 1. For institution of proceedings..... \$ 35.00
- 2. Appearance and Answer..... 15.00

Where a counter-petition is filed a further \$10.00.
- 3. Examination, including preliminary proceedings..... 10.00

- 4. Upon *ex parte* motions, including order\$ 15.00
- 5. Upon motions, including order..... 20.00
- 6. Upon contested motions for interim alimony, maintenance or custody, including order..... 35.00

Subject to increase in the discretion of the Taxing Officer up to \$50.00.

- 7. Where any claim for corollary relief, alimony, maintenance, custody of and access to children is recovered, attendances in respect to these matters..... 75.00

Subject to increase in the discretion of the Taxing Officer in cases of exceptional difficulty.

- 8. Counsel fee, including preparation for trial, notice to admit and to produce at trial, subpoenas, correspondence, brief at trial, written argument and attendance to hear judgment..... 100.00

Subject to increase in the discretion of the Taxing Officer in cases of exceptional difficulty.

- 9. Decree nisi or decree absolute at hearing to the party having carriage 20.00
- 10. Application for Decree Absolute including preparation of all necessary material 25.00
- 11. Taxation of costs..... 10.00

NOTES TO TARIFF A

- 1. Unless otherwise specified the allowances in the Tariff are exclusive of proper disbursements.
- 2. The court or the judge or officer awarding costs may decrease or restrict the fees herein provided.
- 3. Upon taxation between a solicitor and his client additional allowances may be allowed in the discretion of the officer taxing but the exercise of such discretion is subject to review upon appeal.
- 4. Where for any reason the services covered by an item are not completed, the fee may be apportioned by the taxing officer.
- 5. Any item of a counter-claim may be taxed as in a separate action and any item common to claim and counter-claim may be apportioned or divided.

6. In appeals from the official arbitrator or from a county court judge acting as arbitrator under the provisions of any statute which authorizes him to award costs upon the Supreme Court scale or where the amount involved exceeds the county court jurisdiction, the court may allow costs on the Supreme Court scale.
7. In cases stated under the *Assessment Act* where the amount involved exceeds the county court jurisdiction the court may order costs to be taxed on the Supreme Court scale. R.R.O. 1970, Reg. 545, Tariff A; O. Reg. 285/71, s. 24; O. Reg. 520/71, s. 13; O. Reg. 115/72, s. 24; O. Reg. 36/73, s. 50; O. Reg. 8/76, s. 3; O. Reg. 990/76, ss. 18-21; O. Reg. 451/77, ss. 7, 8; O. Reg. 32/78, ss. 7, 8; O. Reg. 520/78, ss. 58, 59; O. Reg. 1030/80, s. 5.

TARIFF B

TARIFF OF DISBURSEMENTS

To be allowed in the taxation of costs in proceedings in the Supreme Court and County Courts.

1.—(1) An allowance may be made for the service or attempted service within Ontario of any writ, pleading, order, judgment, notice, appointment or other paper requiring personal service when proof by affidavit of such service or attempted service is filed on the taxation, such allowance not to exceed the amount authorized by regulations made under the *Administration of Justice Act* for fees payable to sheriffs for service or attempted service.

(2) A reasonable allowance not exceeding the amount actually paid may be made for service of any of the foregoing outside Ontario or for reasonable attempts to effect such service.

(3) An allowance may be made for the costs of service by publication of any document required to be so served by an order of the Court.

2. Conduct money payable to witnesses excluding parties to the action unless the party is required to attend under Rule 274 (see Form 57):

- i. Each day of necessary attendance \$25.00.
- ii. Where the trial is held in the city or town in which the witness resides, \$1.00 for each day of necessary attendance at trial.
- iii. Where the trial is within 200 miles of where the witness resides, 18¢ a mile between his residence, the place of trial, and return.
- iv. Where the trial is more than 200 miles from where the witness resides, the minimum return airfare plus 18¢ a mile to and from airports, his residence and the place of trial.

- v. Where the witness resides elsewhere than the place of trial and is required to remain at the place of trial overnight, \$30.00 for each overnight stay.
3. Fees recoverable from opposite party:
- i. Conduct money actually paid to a witness.
 - ii. A reasonable sum may be allowed for the preparation of any plan, model, videotape or photograph when necessary for due understanding of the evidence.
 - iii. Reasonable sums may be allowed for medical reports used in compliance with section 52 of the *Evidence Act*, and for the reports of experts used at trial which have been supplied to the opposite party at least five days before trial.
 - iv. The cost of the investigation and report of the Official Guardian.
 - v. A reasonable sum may be allowed for fees actually paid to a witness who appears and gives opinion evidence, within the meaning of the *Evidence Act*, up to an amount of \$150.00 for each day of giving evidence and each additional day authorized by the trial judge and subject to increase in the discretion of the officer taxing.
 - vi. An allowance may be made for an interpreter, not to exceed \$40.00 a day, for services at trial or on an examination.
 - vii. Where ordered by the presiding Judge such reasonable sums for travelling and accommodation as may have been incurred by a party to an action.

4. The cost of certified copies of documents such as judgments, orders, birth, marriage and death certificates, abstracts of title, deeds, mortgages and other registered documents where made exhibits.

5. The cost of a copy of the reasons for judgment in the action or other proceeding.

6. The cost of transcripts of proceedings of courts or tribunals when required by the court or the rules.

7. The cost of certified copies of judgments and orders, including the cost of registration, where necessary to implement such judgments and orders. O. Reg. 379/80, s. 9 (1); O. Reg. 1030/80, s. 6.

TARIFF C—REVOKED: O. Reg. 379/80, s. 9 (2).

TARIFF D

COSTS ALLOWED ON SALES, LEASES AND MORTGAGES OF LAND UNDER THE *Estates Administration Act*
To the Solicitor for the Personal Representative

1. Where sale price or amount of mortgage is under \$200, \$10.
Where it is over \$200, up to and including \$400, \$12.
Where it is over \$400, up to and including \$600, \$15.
Where it is over \$600, up to and including \$800, \$20.
Where it is over \$800, up to and including \$1,000, \$25.
Where it is over \$1,000, up to and including \$1,500, 2½ per cent.
Where it is over \$1,500, up to and including \$2,000, \$7 plus 2 per cent.
Where it is over \$2,000, up to and including \$3,000, \$17 plus 1½ per cent.
Where it is over \$3,000, up to and including \$5,000, \$32 plus 1 per cent.
Where it is over \$5,000, \$57 plus ½ of 1 per cent.

Where a part of the land of an estate has been sold, in the case of any subsequent sale, three-fourths of the foregoing amount shall be allowed.

2. In addition to the above amounts there shall be allowed,

- (a) the cost of taking out letters of administration or letters probate and of succession duty affidavits as fixed by the Surrogate Court

Rules, where there is no personal estate out of which such costs can be paid;

- (b) the proper disbursements for advertising for creditors where there is no personal estate out of which such disbursements can be paid;
- (c) where the sale is by auction, the auctioneer's fee and the costs of all necessary printing of advertisements; and
- (d) the fees paid to valuers.

Costs of Official Guardian

3. The costs of the Official Guardian shall be one-third of the amount allowed under item 1, and his actual disbursements.

Special Allowances

4. Where special circumstances render the amount taxable under this tariff unreasonable or inadequate, a judge may order the allowance of a smaller or larger sum.

NOTE: In applying this tariff to leases, the amount shall be deemed to be the annual rental multiplied by the number of years in the term.

R.R.O. 1970, Reg. 545, Tariff D.

REGULATION 541

under the Junior Farmer Establishment Act

APPLICATION FOR BANK LOAN

1. An application for a bank loan shall be in Form 1. R.R.O. 1970, Reg. 547, s. 1.

Form 1

Junior Farmer Establishment Act

APPLICATION FOR BANK LOAN

Branch Code Number.....

To:..... (name of bank)	Applications covering loans made to be numbered con- secutively by lending bank	Application Number
----------------------------	---	--------------------------------

.....
(branch)

Name of Applicant(s) in Full	Address
..... (surname) (full given names)	.....
..... (surname) (full given names)	.....

1. I submit the following information for the purpose of obtaining from you a loan of \$.....
under the *Junior Farmer Establishment Act*, for a period of
repayable.....
the loan being required for the following purpose: (*Describe purpose fully*).....
the total estimated cost being \$..... and the following items to be purchased at the
estimated cost mentioned below: (Describe the items of agricultural implements, live stock, equipment,
machinery, materials or supplies, as the case may be, and in the case of agricultural implements
indicate whether new or used.)

Description	Estimated Cost
.....	\$.....
.....	\$.....
.....	\$.....
.....	\$.....

2. I hereby certify that I am in possession of the farm composed of the land described below, that except as indicated below said land is clear of encumbrances, including overdue taxes, and that I hold an interest in the said farm of the nature indicated below:

Home Farm	Other Land Farmed
(a) (full legal description)	(a) (full legal description)
(b) (nature of interest in farm, i.e. owner, purchaser under agreement of sale, etc.)	(b) (nature of interest in farm, i.e. owner, purchaser under agreement of sale, lessee, etc.)
(c) (state whether land is clear title, subject to a mortgage, or held under an agreement of sale)	(c) (state whether land is clear title, subject to a mortgage, or held under an agreement of sale or under a lease)
(d) THE ONTARIO JUNIOR FARMER ESTABLISHMENT LOAN CORPORATION (name of mortgagee)	(d) (name of mortgagee, vendor or lessor)
(e) (particulars of all encumbrances including all payments of principal, interest or taxes in arrears)	(e) (particulars of all encumbrances including all payments of principal, interest or taxes in arrears)
(f) Applicant's Valuation \$..... Total encumbrances including over- due taxes \$.....	(f) Applicant's Valuation \$..... Total encumbrances including over- due taxes \$.....
(g) Fire Insurance on Buildings \$.....	(g) Fire Insurance on Buildings \$.....
	(h) (if a lease, the terms thereof, including expiry date)

3. If you desire evidence of the title to the said farm and its status as regards encumbrances, I authorize you to obtain on my behalf such certificate of search or abstract of title and/or report on title as you deem requisite and I agree to reimburse to you the cost thereof.

NOTE: Sections 4 to 9 of this form are not required to be completed where the bank loan applied for does not exceed \$500 or the applicant was granted a bank loan by the bank under the Act during the preceding twelve months.

4. Of the land described above, there areacres under cultivation, of whichacres are in crop or will be in crop during 19.....made up as follows:

.....acres of wheat	.....acres of other grain	.....acres of fruit
.....acres of barley	.....acres of hay	.....acres of roots
.....acres of oats	.....acres of tobacco	.....acres in other crops

5. I own:	Present Value
.....horses	\$.....
.....cattle	\$.....
.....hogs	\$.....
.....sheep	\$.....
.....poultry	\$.....
.....tractor	\$.....
.....thresher	\$.....
.....combine	\$.....
.....other implements	\$.....
.....motor car	\$.....
.....truck	\$.....
TOTAL	<u>\$.....</u>

6. My debts are (other than those secured upon the land described above):

	Amount
On live stock.....	\$.....
On tractor.....	\$.....
On thresher or combine.....	\$.....
On other implements.....	\$.....
On motor car.....	\$.....
On truck.....	\$.....
To banks.....	\$.....
To stores.....	\$.....
To doctors or hospitals.....	\$.....
For taxes.....	\$.....
Other debts (specify).....	\$.....
.....	\$.....
.....	\$.....
TOTAL....	<u>\$.....</u>

7. I estimate my net financial worth to be as follows:

Land described above.....	\$.....
Chattels listed above.....	\$.....

Other assets (specify)	\$.....
.....	\$.....
.....	\$.....
Total Assets.....	\$.....
Less Total Debts.....	\$.....
Net Financial Worth....	\$.....

8. I estimate my gross receipts for the year 19... to be as follows:

From Farming Operations:

Sale of grain	\$.....
Sale of live stock.....	\$.....
Sale of dairy products.....	\$.....
Other farming receipts (specify)	\$.....
.....	\$.....
Sub-total.....	\$.....

From Sources Other than Farming Operations (specify):

.....	\$.....
.....	\$.....
Total Receipts.....	\$.....

9. My gross yearly receipts are usually received during the following months, from the following sources and in the following amounts:

Month Received	Source	Amount
.....	\$.....
.....	\$.....
.....	\$.....
.....	\$.....

10. I owe nothing in respect of which there is outstanding any chattel mortgage, lien, or judgment except as follows:

.....

.....

11. Except as indicated below, I have not heretofore applied for or received a bank loan under the provisions of the *Junior Farmer Establishment Act*, any part of which remains unpaid.

Date of Application	Bank	Amount of Loan Made	Amount Now Owing
.....
.....

12. I am.....years of age, am married/single and have.....dependants of whom.....are children under 16 years of age and of whom.....are boys over 16 years of age living at home.

13. I have farmed my present land for.....years and previous to that farmed land located atfor.....years.

14. In the event of the loan applied for being made by you I hereby,
- (a) undertake to use the proceeds for the purpose specified in section 1 of this application and for no other purpose;
 - (b) authorize you, if security be required, to have the appropriate registration or filing effected and to obtain evidence satisfactory to you of the rank of such security and I agree to reimburse to you the cost thereof; and
 - (c) authorize you, in the event of default in the repayment of this loan or the payment of any interest thereon, to sell by public or private sale any of the security given for this loan and any property covered thereby and to apply the proceeds of each sale less the expenses thereof on account of my indebtedness and I agree that my liability for any deficiency shall not be affected thereby to any extent.

15. I authorize you to furnish to any officer, inspector, clerk or employee appointed under the authority of the *Junior Farmer Establishment Act*, all information in respect of the loan hereby applied for or in connection with any of my dealings with you.

Dated at....., this.....day of....., 19....

.....
(signature of applicant)

.....
(signature of applicant)

NOTE: Section 16 to be completed by applicant only where any required security under section 178 of the *Bank Act, 1980-81* (Canada) will not be given at same time as loan is made.

16. If you are prepared to make a loan to me in accordance with the foregoing application, I promise and agree to give you security for the said loan by way of assignment under section 178 of the *Bank Act, 1980-81* (Canada) covering the property hereinafter described of which I am or may hereafter become the owner.

(Describe property on which security is to be taken): and

which is now or may hereafter be in the place or places hereinafter designated. (Describe place or places where property is or may be):

I hereby appoint the person for the time being acting as manager of the above-mentioned branch of the bank my attorney, on my behalf to give to the bank the security mentioned above and to sign or endorse and deliver any and all instruments and documents in connection therewith.

Dated at....., this.....day of....., 19....

.....
(signature of applicant)

.....
(signature of applicant)

CERTIFICATE OF OFFICER OF THE BANK

17. I hereby certify that I have scrutinized and checked the foregoing application with the care required of me by the bank in the conduct of its ordinary business.

....., 19....

.....
(signature of officer)

R.R.O. 1970, Reg. 547, Form 1.

REGULATION 542

under the Junior Farmer Establishment Act

GENERAL

INTERPRETATION

1. In this Regulation, "board" means the board of directors of the Corporation. R.R.O. 1970, Reg. 548, s. 1.

2. Meetings of the board may be called at any time by the chairman or, in his absence, by the vice-chairman. R.R.O. 1970, Reg. 548, s. 2.

3. Notice of all meetings of the board shall be delivered to the office of each member of the board at least twenty-four hours before the meeting but no notice is necessary when all members of the board, either before or after the meeting, sign a waiver of notice. R.R.O. 1970, Reg. 548, s. 3.

4. Two directors constitute a quorum at any meeting of the board. R.R.O. 1970, Reg. 548, s. 4.

5. The board shall cause the secretary, or some other official of the Corporation who is charged with that duty, to keep a book or books in which shall be recorded,

- (a) a copy of the Act and any amendments thereto and a copy of the regulations;
- (b) a copy of all Orders-in-Council relating to the Corporation;
- (c) the names of all members of the board with the date on which each became, and ceased to be, a member of the board; and
- (d) the minutes of all meetings and votes of the board, verified by the signature of the chairman or vice-chairman. R.R.O. 1970, Reg. 548, s. 5.

6. The board shall cause proper books of account to be kept, containing full and true statements of,

- (a) the financial transactions of the Corporation;
- (b) the assets of the Corporation;
- (c) the money received and expended by the Corporation and the matters in respect of which the receipt and expenditure took place; and
- (d) the credits and liabilities of the Corporation. R.R.O. 1970, Reg. 548, s. 6.

7. The fiscal year of the Corporation terminates on the 31st day of March in each year. R.R.O. 1970, Reg. 548, s. 7.

8. All cheques, notes and orders for the payment of money may be signed by two directors, or the board may by resolution appoint any officials or persons on behalf of the Corporation to sign cheques, notes and orders for the payment of money, and the cheques, notes and orders shall be signed by two officials or persons so appointed. R.R.O. 1970, Reg. 548, s. 8.

9. Contracts, documents or instruments in writing requiring execution by the Corporation may be signed by the chairman, the vice-chairman or a director, or the board may by resolution appoint any official or person on behalf of the Corporation to sign contracts, documents and instruments in writing. R.R.O. 1970, Reg. 548, s. 9.

10. Debentures of the Corporation, whether in coupon form or in fully registered form, shall be sealed with the seal of the Corporation and may be signed by the chairman or vice-chairman of the Corporation and by the secretary or other officer of the Corporation and the interest coupons attached to any coupon debentures may be signed by the secretary or other officer of the Corporation; the signature of the chairman or vice-chairman of the Corporation upon debentures and the signature of the secretary or other officer of the Corporation upon any interest coupons may be engraved, lithographed, printed or otherwise mechanically reproduced and any such engraved, lithographed, printed or mechanically reproduced signature shall be deemed for all purposes the signature of such chairman, vice-chairman, secretary, or other officer of the Corporation, as the case may be, and shall be binding upon the Corporation; the said signatures may be the signatures of the chairman or vice-chairman of the Corporation and of the secretary or other officer of the Corporation, respectively, holding office at the time each such signature is respectively affixed (either manually or by mechanical reproduction as aforesaid) to any such debentures or interest coupons and notwithstanding any change in any of the persons holding the said offices between the time when such signatures are so affixed and the date of delivery of the debentures and notwithstanding the fact that the person whose signature is so affixed may not have held office at the date of the debentures or at the date of delivery thereof, the debentures and the interest coupons attached to any coupon debentures, so signed, shall be valid and binding upon the Corporation. R.R.O. 1970, Reg. 548, s. 10.

11. The seal of the Corporation shall be in the form of two concentric circles with the words "The Ontario

Junior Farmer Establishment Loan Corporation" inserted in the space between the circles and when used shall be authenticated as provided by section 9. R.R.O. 1970, Reg. 548, s. 11.

FEES AND EXPENSES

12. The fees and expenses payable by borrowers under the Act are as follows:

1. For valuating the security offered by the borrower, a fee of \$ 10
2. For legal services, where the amount of the loan is,
 - i. not more than \$3,500, a fee of \$35; and
 - ii. more than \$3,500, a fee of one per cent of the amount of the loan.
3. Expenses actually and necessarily incurred by way of disbursements or investigating and certifying title and for registration of documents and taxes on documents. R.R.O. 1970, Reg. 548, s. 12.

INFORMATION TO BE FURNISHED BY APPLICANTS FOR LOANS

13.—(1) Every applicant for a loan shall furnish to the Corporation,

- (a) an application for the loan in writing in Form 1; and
- (b) a statement of all liabilities of the applicant in Form 2.

(2) Where the applicant for a loan applies for the loan in respect of a family farm, a farm operated by a partnership or an incorporated family farm, he shall furnish with the application for the loan,

- (a) in the case of a family farm,
 - (i) particulars of the legal or equitable interest of the applicant and the interest of each remaining owner in each farm offered as security for the loan,
 - (ii) particulars of the relationship of the applicant to each of the remaining owners of the farm, and
 - (iii) particulars of the operation of the farm showing the names of the members of the family who are actively managing the farm;
- (b) in the case of a farm operated by a partnership and offered as security for the loan,

(i) a true copy or a notarial copy of the partnership agreement, and

(ii) particulars of the ownership of the farm;

(c) in the case of an incorporated family farm,

(i) the letters patent issuing the charter and all supplementary letters patent, or notarial copies thereof, or copies thereof certified by the secretary of the corporation to be true copies,

(ii) particulars of the office in the corporation held by the applicant,

(iii) a list of all owners of shares in the corporation and the number of shares held by each owner, and

(iv) particulars of the operation of the farm showing the name of the manager and the extent to which the applicant is connected with the active management of the farm offered as security for the loan.

(3) Where an applicant for a loan fails to furnish to the Corporation,

(a) the information required by Forms 1 and 2; and

(b) in the case of a family farm, a farm operated by a partnership or an incorporated family farm, the information required under subsection (2),

the Corporation may, notwithstanding such failure, make the loan where the Corporation is satisfied that it has sufficient information to make the loan.

(4) Every applicant for a loan who applies to the Corporation for a loan in respect of the operation of a family farm, a farm operated by a partnership or an incorporated family farm shall furnish upon request to the Corporation a statement of all liabilities and assets of,

(a) in the case of a family farm, each of the owners of the farm;

(b) in the case of a farm operated by a partnership, of the partnership; and

(c) in the case of an incorporated family farm, of the corporation. R.R.O. 1970, Reg. 548, s. 13.

14. Where the applicant is not the registered owner of the farm or farms offered as security for the loan,

the Corporation may refuse to make the loan unless the applicant joins in the mortgage as a party thereto in his personal capacity. R.R.O. 1970, Reg. 548, s. 14.

PROPERTY VALUATION FOR LOANS

15.—(1) Where an application is made for a loan for a purpose that includes the erecting of farm buildings or the making of other permanent improvements that increase the productive value of the farm offered as security for the loan, the amount of the loan may be determined on the basis of the value of the farm after the erecting of such farm buildings or the making of such other permanent improvements.

(2) Where an application for a loan is made for a purpose stated in subsection (1), the valuator shall report to the Corporation the value of the security offered by the applicant,

- (a) at the time of the valuator's inspection; and
- (b) as enhanced by the erection of such farm buildings or the making of such other permanent improvements to the farm. R.R.O. 1970, Reg. 548, s. 15.

LIFE INSURANCE FOR BORROWERS

16.—(1) The Corporation may make an agreement with an insurer licensed under the *Insurance Act* for creditor's group life insurance to provide insurance on the life of a borrower who is a junior farmer or the spouse of a junior farmer or both of them.

(2) An agreement under subsection (1) shall provide that, upon the death of the insured, the insurer pays to the Corporation,

- (a) in the case of a loan that has been fully advanced, the full amount required to be paid to the Corporation for a discharge of the mortgage; and

(b) in the case of a loan that has not been fully advanced,

- (i) the full indebtedness under the loan to the Corporation, and
- (ii) any amount of the loan not advanced to the borrower by the Corporation. R.R.O. 1970, Reg. 548, s. 16.

BANK LOANS

17. Upon request of an officer of a chartered bank to the Corporation for a certificate showing that an applicant for a bank loan is eligible for a guaranteed bank loan under the Act, the manager of the Corporation shall furnish such certificate in Form 3. R.R.O. 1970, Reg. 548, s. 17.

18. Where a bank loan is approved by a chartered bank, the bank shall forthwith mail a copy of the application for the loan to the Corporation. R.R.O. 1970, Reg. 548, s. 18.

19. Where a borrower is in default in respect of any payment the entire amount of the balance outstanding on the loan shall, at the option of the bank, thereupon become due and payable. R.R.O. 1970, Reg. 548, s. 19.

20.—(1) Every bank shall prepare and mail to the Corporation by ordinary post within thirty days following the last day of each month, monthly reports in accordance with Form 4, showing particulars of loans made in the preceding month.

(2) Every bank shall prepare and mail to the Corporation by ordinary post within thirty days following the last day of April and December, respectively, in each year, reports in accordance with Form 5, showing,

- (a) particulars of all loans in default for a period of more than three months; and
- (b) the total amount of all other loans in default. R.R.O. 1970, Reg. 548, s. 20.

Form 1

Junior Farmer Establishment Act

APPLICATION FOR LOAN

Application No.

1.	Name of Applicant(s) in Full	Address	Telephone
	(surname) (full given names)		
	(surname) (full given names)		

Postal address of property if not same as above.

I REQUIRE THIS LOAN FOR THE FOLLOWING PURPOSES:

To acquire land for agricultural purposes..... \$.....

To erect and improve buildings..... \$.....

To pay off charges against farm at time of acquisition by applicant under a will or by descent,
or to pay off encumbrances..... \$.....

To consolidate liabilities incurred for productive agricultural purposes..... \$.....

To provide drainage..... \$.....

To purchase live stock; or other purposes relating to establishment, development and operation
of applicant's farm..... \$.....

Total amount of loan required..... \$.....

Repayment Term.....years, with interest only payable on the first payment date, then
(29, 25, 20, 15, 10, 5)

principal and interest in equal annual instalments, payments to fall due.....
(December 1st, or June 1st, state preference)

Do you wish to have your life insured under The Junior Farmer Establishment Loan Corporation's
group insurance contract, if eligible and insurable?

2. LANDS OFFERED AS SECURITY FOR LOAN

Brief legal description of each parcel	Name of Registered Owner	Total Acres	Year Acquired	By Purchase, Will, Gift or Crown Grant	IF PURCHASED			
					Price	Down Payment	Interest Rate	Balance Owing
Lot Con. Twp. Cnty, etc.								
					\$.....	\$.....	%	\$.....
					\$.....	\$.....	%	\$.....
					\$.....	\$.....	%	\$.....
					\$.....	\$.....	%	\$.....

Nearest Town.....miles. Marketing Facilities.....

Is any part of stock and equipment included in purchase price?..... Value \$.....

Is any part of security offered under estate administration? (If so, attach letter of explanation)

Who holds title papers? In whose name is property registered?

Are any of the lands leased? (If so, give particulars, including expiry date of lease)

If improvements made since occupation, list and give cost of each

Have the lands adequate buildings? What repairs are required, if any?

What do you consider is the present value of the above lands and buildings? \$

Present encumbrances on property, with particulars of mortgages and any balance owing on Agreement for Sale and other charges against title, such as judgements, liens, etc.:

Name of Mortgagee or Vendor or other Secured Creditor	Year of Mortgage or Sale	Interest Rate	Original Amount	Interest Arrears	Total Amount Still Owing
.....	19..... %	\$.....	\$.....	\$.....
.....	19..... %	\$.....	\$.....	\$.....
.....	19..... %	\$.....	\$.....	\$.....

3. Additional land owned by applicant but not offered as security for loan:

Brief Legal Description (Lot numbers, etc.)	Total Acres	Acres Cultivated	Value	Amount Owing
.....	\$.....	\$.....
.....	\$.....	\$.....
.....	\$.....	\$.....

4. STATEMENT OF FARM ASSETS

Equity in farm land and buildings	\$.....
Value of present stock	\$.....
Value of present equipment	\$.....
Total Value of Farm Assets	\$.....

5. Value of assets other than farm land, live stock and equipment:
(List bonds, stocks, shares, urban real estate, savings, accounts receivable, etc.)

.....	\$.....
.....	\$.....
.....	\$.....
.....	\$.....
Total Value of Other Assets	\$.....

6. STATEMENT OF INCOME AND EXPENSES—LAST CALENDAR YEAR

INCOME

Income	Kind	Acres	Total Yield	Amount Sold	Receipts \$
Crops and Forest Products					
Live Stock	Kind	Number on Hand	Value \$	Number Sold	
Live Stock Products	Product		Unit Price	Amount Sold	
Other Enterprises on the Farm	Specify Nature of Enterprise				
Total Income from Farm Property					
Wages.....					
Income, Other Investments.....					
Miscellaneous Income.....					
Total Non-Farm Income.....					
Total Income All Sources.....					

EXPENSES

	\$
1. Taxes.....	
2. Feed Bought.....	
3. Live Stock Purchases.....	
4. Other Live Stock Expenses.....	
5. Marketing Expenses.....	
6. Seed..... Fertilizer.....	
7. Crop Insurance, Twine, Spray.....	
8. Farm Fuel, Oil, Grease, etc.....	
9. Equipment Repairs.....	
10. Truck—All Expenses.....	
11. ½ Car Expenses.....	
12. Building and Fence Repair.....	
13. Labour Hired.....	
14. Custom Work Hired.....	
15. Hydro and Telephone.....	
16. Building Insurance.....	
17. Stock and Equipment Insurance.....	
18. Rent of Land.....	
19. Other Expenses.....	
20.	
21.	
22. TOTAL CASH EXPENSES.....	
23. Estimated Equipment Depreciation.....	
24. Estimated Building Depreciation.....	
25. Estimated Living Costs.....	

PLANS FOR OPERATING THE FARM

7.

(Outline plans under the general headings shown in the margin and give any additional information you believe will be of assistance to the Corporation in considering your application for a loan.)

Amount of Land You Will Be Farming	<div></div> <div></div> <div></div> <div></div> <div></div>
Kinds and Approximate Acreage of Crops, Hay, Pasture, Etc.	<div></div> <div></div> <div></div> <div></div> <div></div>
Kinds and Numbers of Live stock to be Kept	<div></div> <div></div> <div></div> <div></div> <div></div>
Plans to Improve and Increase Live Stock	<div></div> <div></div> <div></div> <div></div> <div></div>
Plans to Improve Land and Buildings	<div></div> <div></div> <div></div> <div></div> <div></div>
New Equipment Required	<div></div> <div></div> <div></div> <div></div> <div></div>
Plans to Finance Liabilities not Paid by Loan	<div></div> <div></div> <div></div> <div></div> <div></div>
Other Pertinent Information	<div></div> <div></div> <div></div> <div></div> <div></div>

8. PERSONAL INFORMATION RESPECTING APPLICANT:

How long have you been a resident of Ontario?.....

Have you any occupation other than farming at present?.....

(If so, state occupation and average yearly income).....

.....\$.....

Do you intend to discontinue other employment, if any?.....

Date of birth.....

Place of birth.....

Married or single.....

Date of birth of wife.....

Number of children.....

Are you in good health?.....

Agricultural training course taken:.....

9. IN MAKING THIS APPLICATION FOR A LOAN, I AGREE TO COMPLY WITH THE FOLLOWING:

1. To execute a mortgage in the form determined by the Corporation as a first charge upon the lands offered as security for the amount of the loan, and to pay all fees and disbursements incurred by the Corporation in the investigation of title and the perfecting thereof, and permit the charging of said lands with the payment of said fees and disbursements.
 2. To remove all prior claims affecting title to lands offered as security for the loan and, where the Corporation is required to pay any such claims, the amounts paid may be taken from the proceeds of the loan and the Corporation is not responsible for the correction of such claims.
 3. If after approval of this application I fail within one month after notification of such approval to execute any documents the Corporation deems necessary to complete the security, I will pay all expenses incurred by the Corporation in the consideration of the application and in the investigation of title within fourteen days of the mailing to me of an itemized statement thereof.
 4. I will insure the buildings on said property taken as security for loan up to their full insurable value or for such lesser amount as is acceptable to the Corporation, all policies to include a standard mortgage clause and the loss, if any, to be payable to the Corporation as its interest may appear.
10. I certify that I have suppressed no information respecting any of the security which would adversely affect its value and that no suits are pending against me in any court of law.
11. I understand that any mis-statement of facts contained herein entitles the Corporation to cancel the loan and require immediate repayment of all moneys secured by the mortgage and expenses incurred.
12. I authorize and request the Corporation to remit the balance of loan granted to me by cheque payable to the order of myself, by mail at my risk, *first paying thereout the amount of solicitor's costs incurred, and all prior claims and encumbrances affecting title to property offered as security for the loan and other liabilities approved for payment.*
13. I have been resident in Ontario for at least three years immediately preceding this application.
14. I have had at least three years experience in farming.

15. I am actually farming, or intend to farm, on a full-time basis on the land upon the security of which the loan is applied for.
16. I agree to participate in a Farm Management Program at the request of the Corporation.
17. I enclose the inspection fee of \$10.00 and I understand the inspection fee will not be returned to me after the Corporation's appraisal of the security has been made.

Dated this.....day of....., 19....

.....
(witness) (signature of applicant)

Full Name of Wife.....

Will she consent to Mortgage? ()

Telephone Exchange..... Telephone No.....

R.R.O. 1970, Reg. 548, Form 1.

Form 2

Junior Farmer Establishment Act

STATEMENT OF LIABILITIES

To The Ontario Junior Farmer Establishment Loan Corporation,
Ministry of Agriculture and Food,
Legislative Buildings,
TORONTO.

The following particulars of liabilities is a full and complete statement of any financial liabilities of every nature and kind whatsoever:

	Name of Creditor	Amount Owing
Mortgages on land.....		\$.....
Agreement to purchase land.....		\$.....
Taxes on land.....		\$.....
Bank loans.....		\$.....
Judgments.....		\$.....
Cattle.....		\$.....
Live stock other than cattle.....		\$.....
Machinery and implements.....		\$.....
Truck or automobile.....		\$.....
Notes.....		\$.....
Chattel mortgages.....		\$.....
Fertilizer.....		\$.....
Store bills.....		\$.....
Wages.....		\$.....

Other (specify).....	.....	\$.....
.....	\$.....
.....	\$.....
TOTAL.....		\$.....

I certify that the live stock, machinery and implements on my farm are my property and, except as may be in the list of liabilities herein, are not subject to a chattel mortgage and are not assigned to a bank under the provisions of the *Bank Act* (Canada).

Dated at, this day of, 19....

..... (witness)	..... (signature)
..... (address of witness)	..... (address)

R.R.O. 1970, Reg. 548, Form 2.

Form 3

Junior Farmer Establishment Act

CERTIFICATE

To..... (name of bank)	Branch Code Number of Bank.....
..... (branch)	Application Number of Bank.....
..... (address)	
..... (name of applicant for bank loan)	
..... (address)	

This is to certify that a mortgage was registered on the..... day of, 19...., as
Number.....

to The Ontario Junior Farmer Establishment Loan Corporation, its successors and assigns, mortgaging all that certain parcel or tract of land and premises, situate, lying and being in the Township of in the County (or District or as the case may be) of, and being composed of.....

The borrower in the said mortgage is,

(a) a junior farmer or the spouse of a junior farmer, or both of them, or a partnership; ()

(b) the owner of a family farm, or a corporation operating an incorporated family farm; ()

and the junior farmer therein is,

.....
(name of junior farmer)

There is now owing upon the said mortgage for principal the sum of \$.....with interest at % from the first day of....., 19....

According to the records of the Corporation the taxes on the said lands are paid to.....

Dated at Toronto, this.....day of....., 19....

THE ONTARIO JUNIOR FARMER ESTABLISHMENT
LOAN CORPORATION

by.....
(Manager, Assistant Manager, Treasurer, Secretary or Director)

R.R.O. 1970, Reg. 548, Form 3.

Form 4

Junior Farmer Establishment Act

MONTHLY REPORT OF NEW LOANS

	For Month Ended....., 19....	
	Number	Amount
1. Total loans made to date of last report (Item No. 3 last report)	\$.....
2. Plus loans made since last report as listed below	\$.....
3. Total loans made to date	\$.....
4. Less total repayments made to date	\$.....
5. Total Number and Amount of Loans Outstanding	\$.....

CERTIFIED CORRECT,

.....
Manager Accountant

LOANS MADE SINCE LAST REPORT

*Application Number	Name of Borrower	Amount of Loan	Period of Loan	How Repayable	Purpose of Loan Briefly

*Applications covering loans made to be numbered consecutively from the commencement. Each advance under a loan to be reported under the original application number.

Form 5

Junior Farmer Establishment Act

REPORT OF LOANS IN DEFAULT

Complete as of last day of April and December

Branch Reporting Number.....

.....
(name of lender)

.....
(branch)

Loans in Default as at last day of, 19...

REPORT IN DETAIL LOANS IN DEFAULT MORE THAN THREE MONTHS AND
TOTALS ONLY OF ALL OTHER LOANS IN DEFAULT

Application Number	Name of Borrower (List Alpha- betically)	Original Date of Loan	Original Amount of Loan (Omit Cents)	Present Amount Owing (Omit Cents)	Total Amount in Arrears	Date Last Payment Received on Principal	State Reason for Default and Steps Taken to Collect	(This Space to be left Blank)

Number of Loans in Default 3 Months or Less

Total Number of All Loans in Default

TOTALS

Certified Correct:

.....

ManagerAccountant

Use double typewriting spacing between particulars of each loan, reasons for default being single spaced.

REGULATION 543

under the Juries Act

GENERAL

1. The jury service notice referred to in subsection 6 (1) of the Act shall be in Form 1. O. Reg. 800/74, s. 1.
2. The return to jury service notice referred to in subsection 6 (1) of the Act shall be in Form 2. O. Reg. 800/74, s. 2.
3. The jury roll referred to in section 7 of the Act shall be in Form 3. O. Reg. 800/74, s. 3.
4. The precept referred to in subsection 12 (1) of the Act shall be in Form 4. O. Reg. 800/74, s. 4.
5. The summons referred to in subsection 21 (1) of the Act shall be in Form 5. O. Reg. 800/74, s. 5.
6. The notice that the attendance of jurors is not required referred to in subsection 23 (1) of the Act shall be in Form 6. O. Reg. 800/74, s. 6.
7. The notice referred to in subsection 23 (2) of the Act shall be in Form 7. O. Reg. 800/74, s. 7.
8. The notice to a juror that his attendance is not required referred to in subsection 23 (3) of the Act shall be in Form 8. O. Reg. 800/74, s. 8.
9. The notice to a juror that his attendance is not required until a day specified referred to in subsection 23 (3) of the Act shall be in Form 9. O. Reg. 800/74, s. 9.
10. The jury panel lists referred to in section 19 of the Act shall be in Form 10. O. Reg. 800/74, s. 10.

Form 1

Juries Act

JURY SERVICE NOTICE

THIS IS NOT A SUMMONS FOR JURY SERVICE. You are only being considered as a prospective juror for a period of service during 19...

In order that your qualifications for such service may be determined before you are summoned to appear YOU ARE REQUIRED TO COMPLETE AND RETURN THE QUESTIONNAIRE ON THE FRONT OF THIS FORM WITHIN FIVE (5) DAYS OF RECEIPT. Mail the completed questionnaire to your local sheriff in the enclosed, pre-addressed envelope which requires no postage.

THIS IS NOT A SUMMONS FOR JURY SERVICE. If you are chosen for jury service you will be notified of the time and place to appear.

This matter must be given your immediate attention.

O. Reg. 921/75, s. 1, *part.*

Form 2

Juries Act

RETURN TO JURY SERVICE NOTICE

(see reverse side before completing this Form)

QUESTIONNAIRE AS TO QUALIFICATIONS FOR JURY SERVICE

NOTE: You are only being considered as a prospective juror for a period of service in 19...

..... (name)	..... (age)	..... (file number)
..... (address)	Return completed form to: Sheriff's Office (address of Sheriff's Office)	

INSTRUCTIONS

If your name, address or age is not correct, show the necessary corrections below or beside the printed data.

Read the official Jury Service Notice on the back of this Form.

Answer all questions and sign the questionnaire, refold and return the completed form to the Sheriff's Office in the enclosed, stamped, pre-addressed envelope, as required by section 6 of the *Juries Act*.

ADDITIONAL PERSONAL INFORMATION REQUIRED: (Please hand print your answers)

1. Give occupation, trade or profession:
- If you are retired or not working, give last occupation, trade or profession:
2. Business Telephone Residence Telephone

ANSWER QUESTIONS 3 TO 13 BY MAKING AN X IN THE PROPER BOX

3. Can you read, speak and understand both the English and the French languages?	[yes]	[no]
4. Can you read, speak and understand the English language?	[yes]	[no]
5. Are you a Canadian citizen?	[yes]	[no]
6. Are you 18 years of age or more?	[yes]	[no]
7. Have you attained or will you attain the age of 69 years or more during this year?	[yes]	[no]
If "yes", do you wish to serve as a juror? (See Note 1 on the back of this Form)	[yes]	[no]
8. Are you blind?	[yes]	[no]
If "yes", do you wish to serve as a juror? (See Note 1 on the back of this Form)	[yes]	[no]
9. Have you any physical or mental disability that would seriously impair your ability to discharge the duties of a juror? (See Note 1 on the back of this Form)	[yes]	[no]
If "yes", either: (a) attach an explanatory letter from your doctor; or (b) complete and sign the section on the back of this Form that authorizes your doctor to provide relevant medical information to the Sheriff.		

10. Have you ever been convicted of an indictable offence for which you have not been granted a pardon? (See Note 2 on the back of this Form for an explanation of "indictable offence")	[yes]	[no]
11. Have you received fees for service as a juror in this or the two preceding years? If "yes", when and where?	[yes]	[no]
OCCUPATIONS, ETC., THAT MAKE PERSONS INELIGIBLE TO SERVE AS JURORS		
12. Is your occupation, profession or position listed in Note 3 on the back of this Form?	[yes]	[no]
If "yes", state which classification and who your employer is:		
13. Are you married to a person in one of the occupations, professions or positions listed in Note 4 on the back of this Form?	[yes]	[no]
If "yes", state which classification, and who the employer is:		

I certify that all answers and statements are true to the best of my knowledge and belief.

.....
(date)

(sign here)

Reverse Side

AUTHORIZATION FOR DOCTOR TO PROVIDE MEDICAL INFORMATION

This is to authorize Doctor
(name)

.....
(address)

Telephone Number:

to provide the Sheriff with medical information and opinion for the purpose of verifying my physical or mental disability that would seriously impair my ability to discharge the duties of a juror.

Dated at the of 19.....
(municipality) (day) (month)

.....
(signature of prospective juror)

NOTES REFERRED TO IN QUESTIONNAIRE

NOTE 1: A person is ineligible to serve as a juror who has a physical or mental disability that would seriously impair his ability to discharge the duties of a juror.

A person is ineligible to serve as a juror who,

(a) in the year preceding the year for which the jury is selected had attained the age of 69 years or more; or

(b) is blind,

and has indicated on his return to the jury service notice that he does not wish to serve as a juror.

NOTE 2: Indictable Offence.

An indictable offence is a serious criminal offence and does not include violations of provincial statutes such as traffic and liquor laws. Nor are some Criminal Code offences indictable: for example, common assault, causing a disturbance, wilful damage under \$50 and vagrancy are not indictable offences.

A person is ineligible to serve as a juror who has been convicted of an indictable offence, unless he has subsequently been granted a pardon.

NOTE 3: The following persons are ineligible to serve as jurors:

1. Every member of the Privy Council of Canada or the Executive Council of Ontario.
2. Every member of the Senate, the House of Commons of Canada or the Assembly.
3. Every judge, justice of the peace, barrister and solicitor and student-at-law.
4. Every legally qualified medical practitioner and veterinary surgeon who is actively engaged in practice and every coroner.
5. Every person engaged in the enforcement of law including, without restricting the generality of the foregoing, sheriffs, wardens of any penitentiary, superintendents, jailers or keepers of prisons, correctional institutions or lockups, sheriff's officers and constables, police officers and constables, and officers of a court of justice.
6. Armed forces personnel of the regular and special force and members of the reserve force on active service.
7. Fire fighters under section 1 of the *Fire Fighters Exemption Act*.

NOTE 4: The wife or husband of the following persons are ineligible to serve as jurors:

1. Every judge, justice of the peace, barrister and solicitor and student-at-law.
2. Every person engaged in the enforcement of law including, without restricting the generality of the foregoing, sheriffs, wardens of any penitentiary, superintendents, jailers or keepers of prisons, correctional institutions or lockups, sheriff's officers and constables, police officers and constables, and officers of a court of justice. O. Reg. 857/76, s. 1, revised.

Form 3

Juries Act

JURY ROLL

.....
(county/district)

Roll Number	Name	Address	Age	Occupation	Number of Panel

I hereby certify the foregoing roll to be the proper roll prepared pursuant to the directions of the *Juries Act*.

Witness my hand this day of, 19....

E. F., Sheriff

O. Reg. 800/74, Form 3.

Form 4

Juries Act

PRECEPT FROM JUDGE TO SHERIFF

In the Supreme Court of Ontario

Reigning Sovereign, etc.

Ontario
County (*or* District) of

To Wit:

To the Sheriff of the of

You are commanded that you cause to come before the Judge or other person holding the sittings of the Supreme Court (*or* County *or* District Court *or* Court of General Sessions of the Peace) at..... in your Bailiwick, on the day of, 19..., all panels concerning such sittings (*and when the sittings are for the trial of criminal as well as civil cases*), and also cause to come seven good and lawful persons of your Bailiwick duly qualified to serve as Grand Jurors at the said sittings; and also summon a competent number, being not less than good and lawful persons duly qualified to serve as Petit Jurors for the trial of (Criminal and) Civil issues; and that you and your deputy Sheriff, Bailiffs, and other officers then and there attend in your proper persons to do those things which to your and their offices appertain. And that you have then and there the names of all Jurors and Constables whom you shall cause to come before us. And have then and there this Precept.

Dated at this day of, 19...

O. Reg. 800/74, Form 4.

Form 5

Juries Act

SUMMONS TO JUROR

To.....

Take notice that you are required to attend the sittings of the Supreme Court (*or* County *or* District Court *or* Court of General Sessions of the Peace) to be held at....., in the County (*or* District) of on (date) at (time), as a Grand (*or* Special *or* Petit) Juror, and in default of your so attending you will be liable to the penalties provided by the *Juries Act*.

Dated at this day of, 19...

.....
Sheriff of the County
(*or* District) of
.....

O. Reg. 800/74, Form 5.

Form 6

Juries Act

NOTICE TO SHERIFF REGARDING NUMBER OF JURORS REQUIRED

To the Sheriff of the of

Take notice that there is no (civil *or* criminal, *as the case may be*) business requiring the attendance of a jury at the ensuing sittings of the Supreme Court (*or* the County *or* District Court) to be held on the day of, 19.., and that the attendance of jurors at such sittings is not required.

Dated at this day of, 19...

.....
Registrar (*or* Local Registrar of the Supreme
Court, Clerk of the County Court *or* Crown
Attorney, *as the case may be*) for the County
or District of
.....

O. Reg. 800/74, Form 6.

Form 7

Juries Act

NOTICE TO SHERIFF REGARDING NUMBER OF JURORS REQUIRED ON
OPENING DAY

To the Sheriff of the of

Take notice that there is no (civil *or* criminal, *as the case may be*) business requiring the attendance of a jury at the ensuing sittings of the Supreme Court (*or* the County *or* District Court) to be held on the day of, 19.., and that the attendance of jurors at such sittings is not required on that date.

Further take notice that the attendance of jurors is required to attend the sittings of this court on the day of, 19.., at the hour of o'clock in thenoon.

Dated at this day of, 19...

.....
Registrar (*or* Local Registrar of the Supreme
Court, Clerk of the County Court *or* Crown
Attorney, *as the case may be*) for the County
or District of
.....

O. Reg. 800/74, Form 7.

Form 8

Juries Act

NOTICE TO JUROR REGARDING CANCELLATION OF SUMMONS

To.....

Take notice that there being no business requiring the attendance of jurors at the sittings of the Supreme Court (*or* the County *or* District Court) to be held on (date) your attendance as a juror at such sittings is not required, and the summons served upon you for your attendance is cancelled.

Further take notice that in case you attend at such sittings after the receipt by you of this notice you will not be entitled to any fees or mileage for such attendance.

This notice is given pursuant to the *Juries Act*.

Dated at this day of, 19...

.....
Sheriff of the County
(*or* District) of
.....

O. Reg. 800/74, Form 8.

Form 9

Juries Act

NOTICE TO JUROR REGARDING AMENDMENT OF
DATE TO REPORT FOR SERVICE

To.....

Take notice that there being no business requiring the attendance of petit jurors at the sittings of the Supreme Court (*or* County *or* District Court *or* Court of General Sessions of the Peace) on the opening day thereof to be held on (date), your attendance as a juror on that day is not required, and in so far as the summons served upon you requires your attendance on that day it shall be disregarded.

Further take notice that you are required to attend the sittings of this court on (date) at (time).

And further take notice that in case you attend at such sittings on any day prior to that last above mentioned, you will not be entitled to any fees or mileage for such attendance.

Dated at this day of, 19...

.....
Sheriff of the County
(*or* District) of
.....

O. Reg. 800/74, Form 9.

Form 10

Juries Act

JURY PANEL LISTS

PART I

GRAND JURY PANELS FOR THE SUPREME COURT OF ONTARIO

(See Note 1)

No. (of panel)

Panel of Grand Jurors returned upon a Precept from the Honourable G. H., the Honourable I. J., (etc.)

Her Majesty's Justices in that behalf, tested the day of, 19...
for the return of seven of such Jurors for the sittings of the Supreme Court to be held for the County
of, on the day of, 19.....
by A.B., Esquire, Sheriff, in the presence of K. L., Esquire, Justice of the Peace for the County, pursuant
to the directions of the *Juries Act*.

No. on Panel	Name	Address	Occupations	No. on Roll	Remarks

Witness our hands, the day and year last written.

A. B., Sheriff
K. L., J. P.

(see Note 2)

PART II

GRAND JURY PANELS FOR THE COUNTY AND DISTRICT COURTS
AND
COURT OF THE GENERAL SESSIONS OF THE PEACE

(See Note 1)

No. (of panel)

Panel of Grand Jurors returned upon a Precept from the Presiding Judge of the Court of General
Sessions of the Peace for the County or District of tested the day of
....., 19.., for the return of seven of such Jurors for the Sittings of the Court of General
Sessions of the Peace, to be held for the County of, on the day of

....., 19...., by A. B., Esquire, Sheriff, in the presence of K. L., Esquire, Justice of the Peace for the County, pursuant to the directions of the *Juries Act*.

No. on Panel	Name	Address	Occupations	No. on Roll	Remarks

Witness our hands, the day and year last written.

A. B., Sheriff
K. L., J. P.

(See Note 2)

PART III

PETIT JURY PANELS

FOR THE SUPREME COURT OF ONTARIO

(See Note 1)

No. (of panel)

Panel of Petit Jurors returned upon a Precept from the Honourable G. H., the Honourable I. J., (etc.),

Justices of the Supreme Court, tested day of....., 19.., as drafted on

....., the day of, 19..,
by A.B., Esquire, Sheriff, in the presence of K. L., Esquire, Justice of the Peace for the County, pursuant to the directions of the *Juries Act*.

No. on Panel	Name	Address	Occupations	No. on Roll	Remarks

Witness our hands, the day and year last written.

A. B., Sheriff
K. L., J. P.

(See Note 2)

PART IV

PETIT JURY PANELS

FOR THE COUNTY AND DISTRICT COURTS AND
COURT OF THE GENERAL SESSIONS OF THE PEACE

(See Note 1)

No. (of panel)

Panel of Petit Jurors returned upon a Precept from the Presiding Judge of the Court of General Sessions of the Peace, or County Court, for the County of tested the day of, 19.. for the return of such Jurors for the Sittings of the Court of General Sessions of the Peace, or County Court, to be held for the said County of on the day of, 19.. as drafted on the day of, 19....,, by A.B., Esquire, Sheriff, in the presence of K. L., Esquire, Justice of the Peace for the County, pursuant to the directions of the *Juries Act*.

No. on Panel	Name	Address	Occupations	No. on Roll	Remarks

Witness our hands, the day and year last written.

A. B., Sheriff
K. L., J. P.

(See Note 2)

- NOTES: (1) So much of this Sub-Title as ends with this word to be placed at the head of each page appropriated to this class of entries.
- (2) The subsequent Panels following immediately may be commenced on the same page on which the preceding one is closed.

REGULATION 544

under the Labour Relations Act

GENERAL

EXPENSE OF PROCEEDINGS UNDER SECTION 124 OF THE ACT

1.—(1) The expense of proceedings under section 124 of the Act including preliminary proceedings, hearing and preparing decisions in respect of the referral of one or more grievances under a collective agreement is fixed at \$200 for each day or part of a day that a hearing is held.

(2) The Board shall issue a certificate of its expense to the parties. O. Reg. 419/76, s. 1.

REMUNERATION OF CHAIRMAN AND MEMBERS OF CONCILIATION BOARD

2.—(1) The maximum rate of remuneration of a chairman of a conciliation board or of a mediator is fixed at,

- (a) \$275 a day where the time spent in a hearing or in executive session exceeds three hours;
- (b) \$137.50 where the time spent in a hearing or in executive session is three hours or less; and
- (c) \$34.35 an hour for the preparation of a decision or award, not exceeding a total amount of \$275 a day.

(2) The maximum rate of remuneration of a member of a conciliation board, other than a chairman, is fixed at,

- (a) \$150 a day where the time spent in a hearing or in executive session exceeds three hours;
- (b) \$75 a day where the time spent in a hearing or in executive session is three hours or less; and
- (c) \$18.75 an hour for the preparation of a decision or award, not exceeding a total amount of \$150 a day. O. Reg. 257/80, s. 1.

3. The amount of necessary travelling and out of pocket expenses of a chairman, or member of a conciliation board or a mediator shall be allowed in accordance with the policy on Travel, Meal and Hospitality Expenses established by Management Board of Cabinet in the Manual of Administration. O. Reg. 257/80, s. 2.

FILING OF ARBITRATION DECISIONS

4.—(1) Every arbitrator shall, within ten days of issuing an award, file a copy thereof with the Minister.

(2) A record shall be maintained of each award filed with the Minister under subsection (1) and upon payment of the prescribed fee, the Ministry shall supply a copy of the award to any person applying therefor. O. Reg. 779/79, s. 1.

FORMS

5.—(1) A copy of a decision of an arbitrator or arbitration board for filing in the office of the Registrar of the Supreme Court under subsection 44 (11) of the Act shall be in Form 1.

(2) A copy of a determination of the Board for filing in the office of the Registrar of the Supreme Court under subsection 89 (6) of the Act shall be in Form 3.

(3) A copy of an interim order or direction of the Board for filing in the office of the Registrar of the Supreme Court under subsection 91 (10) of the Act shall be in Form 4. R.R.O. 1970, Reg. 549, s. 5 (1-3).

(4) A copy of a decision of an arbitration board for filing in the office of the Registrar of the Supreme Court under subsection 95 (8) of the Act shall be in Form 2.

(5) A copy of a direction embodying a settlement by jurisdictional representatives for filing in the office of the Registrar of the Supreme Court under subsection 91 (6) of the Act shall be in Form 5.

(6) A copy of a direction of the Board for filing in the office of the Registrar of the Supreme Court under subsection 135 (3) of the Act shall be in Form 8. O. Reg. 30/71, s. 1.

6. A statement filed with the Board under section 82 of the Act shall be in Form 6. R.R.O. 1970, Reg. 549, s. 6.

7. A notice filed with the Board under section 87 of the Act shall be in Form 7. R.R.O. 1970, Reg. 549, s. 7.

8. A notice filed with the Board under section 136 of the Act shall be in Form 9. O. Reg. 30/71, s. 2.

Form 1

Labour Relations Act

In the matter of the decision of an arbitrator or arbitration board under section 44 of the *Labour Relations Act*.

Between:		iv. Date and Place of Hearing:
	Complainant,	
	—and—	v. Date of Decision:
	Respondent.	vi. Date of Release of Decision:
To: The Registrar of the Supreme Court:	*Strike out if not applicable.	*vii. Date Provided in Decision for Compliance:
1. ....being a (name)		3. The decision, exclusive of the reasons therefor, reads as follows:
..... (Party, employer, trade union or employee)		4. The respondent has failed to comply with the decision.
*Strike out if not applicable.		Dated at .....this.....day of , 19....
2. The decision was made under the following circumstances:		I certify that the copy of the decision is a true copy and the particulars set out herein are within my knowledge and accurate.
i. Arbitrator or Members of Board of Arbitration:		..... (signature of person filing the decision or, where person filing is a corporation or trade union, of an officer authorized in that behalf)
ii. Appearances for Complainant:		R.R.O. 1970, Reg. 549, Form 1.
iii. Appearances for Respondent:		

Form 2

Labour Relations Act

In the matter of the decision of an arbitration board under section 95 of the *Labour Relations Act*.

Between:	
	Complainant,
	— and —
	Respondent.
To: The Registrar of the Supreme Court:	
1. ....being a (name)	
..... (party, employer, trade union or employee)	
affected by the decision of an arbitration board under section 95 of the <i>Labour Relations Act</i> hereby files the decision under the said section 95.	
2. The decision was made under the following circumstances:	

- i. Date of declaration by the Ontario Labour Relations Board that an unlawful strike or lockout was called or authorized:
 - ii. Members of Board of Arbitration:
 - iii. Appearance for Complainant:
 - iv. Appearances for Respondent:
 - v. Date and Place of Hearing:
 - vi. Date of Decision:
 - vii. Date of Release of Decision:
 - viii. Date Provided in Decision for Compliance:
3. The decision, exclusive of the reasons therefor, reads as follows:
4. The respondent has failed to comply with the decision.

Dated at this day of, 19....

I certify that the copy of the decision is a true copy and the particulars set out herein are within my knowledge and accurate.

.....
(signature of person filing the decision or,
where person filing is a corporation or
trade union, of an officer authorized
in that behalf.)

O. Reg. 30/71, s. 3, *part.*

Form 3

Labour Relations Act

In the matter of a determination by the Ontario Labour Relations Board under section 89 of the *Labour Relations Act*.

Between:

Complainant,

—and—

Respondent.

To: The Registrar of the Supreme Court:

- 1. The Ontario Labour Relations Board hereby files a determination made in this matter under section 89 of the *Labour Relations Act*.
- 2. The determination was made under the following circumstances:
 - i. Members of the Board who constituted the quorum who made the Determination:

- ii. Appearances for the Complainant:
- iii. Appearances for the Respondent:
- iv. Date and Place of Hearing:
- v. Date of Determination:
- vi. Date of Release of Determination:

*Strike out
if not
applicable.

*vii. Date Provided in Determination for Compliance:

- 3. The determination, exclusive of the reasons therefor, reads as follows:
- 4. The Ontario Labour Relations Board has been notified that the respondent has failed to comply with the determination.

Dated at.....this.....day of, 19....

I certify that the copy of the determination is a true copy and the particulars set out herein are accurate.

.....
Registrar, Ontario Labour Relations Board

R.R.O. 1970, Reg. 549, Form 2.

Form 4

Labour Relations Act

In the matter of an Interim Order or Direction of the Ontario Labour Relations Board under section 91 of the *Labour Relations Act*.

Between:

Complainant,

—and—

Respondent.

To: The Registrar of the Supreme Court:

*Strike out words not applicable.

1. The Ontario Labour Relations Board hereby files an *Interim Order or *Direction made in this matter under section 91 of the *Labour Relations Act*.

2. The *Interim Order or *Direction was made under the following circumstances:

- i. Members of the Board who constituted the quorum who made the *Interim Order or *Direction:

ii. In the case of an Interim Order, the persons consulted by the Board:

iii. In the case of a Direction,

A. date and place of hearing:

B. appearances at the hearing,

1. for the complainant:

2. for the respondent:

3. for other parties:

iv. Date of *Interim Order or *Direction:

v. Date fixed in *Interim Order or *Direction for compliance:

3. The *Interim Order or *Direction, exclusive of the reasons therefor, reads as follows:

Dated at....., thisday of

....., 19....

I certify that the copy of the Interim Order or Direction is a true copy and the particulars set out herein are accurate.

.....
Registrar, Ontario Labour Relations Board

R.R.O. 1970, Reg. 549, Form 3.

Form 5

Labour Relations Act

In the matter of a settlement by designated jurisdictional representatives under section 91 of the *Labour Relations Act*.

Between:

Complainant,

— and —

Respondent.

To: The Registrar of the Supreme Court:

1. The Ontario Labour Relations Board hereby files a direction embodying a settlement made by designated jurisdictional representatives in this matter under section 91 of the *Labour Relations Act*.

2. The settlement was made in the following circumstances:

i. The designated jurisdictional representatives are,

A. for the complainant:

B. for the respondent(s):

C. for other parties:

ii. The designated jurisdictional representatives filed with the Board a settlement of the matter complained of on

*Strike out
if not
applicable

*iii. The members of the Board who constituted the quorum who consulted with the designated jurisdictional representatives:

3. The direction embodying the settlement reads as follows:

Dated at this day of 19.....

I certify that the copy of the direction embodying the settlement is a true copy and the particulars set out herein are accurate.

.....
Registrar

Ontario Labour Relations Board.

O. Reg. 30/71, s. 3, *part.*

Form 6

Labour Relations Act

STATEMENT OF TRUSTEESHIP OVER LOCAL UNION TO THE ONTARIO LABOUR RELATIONS BOARD

.....
(name of provincial, national or international trade

....., having assumed supervision
union filing statement)

or control over
(name of subordinate trade union)

submits the following information to the Ontario
Labour Relations Board under section 82 of the
Labour Relations Act:

1.—i. Head office address of provincial, national or
international trade union that has assumed
supervision or control:

ii. Address for service of such provincial,
national or international trade union:

2. Address of the subordinate trade union:

3. Date on which supervision or control was as-
sumed:

4.—i. Name(s) and address(es) of person(s) ap-
pointed to exercise supervision or control
over subordinate trade unions:

ii. By whom was such appointment made:

A. (if by the executive or other body)
the name of the body and the names
and official positions of the persons
composing the body:

B. (if by an individual or individuals)
the name(s) and official position(s)
of such person(s):

5. Period of time during which supervision or
control is to be exercised:

6.—i. Detailed statement of the terms under which
supervision or control is to be exercised
(give the provisions of any document, in-
cluding the constitution or by-laws, ap-
pointing a supervisor or controller and
defining the terms under which supervision
or control is to be exercised):

ii. The provisions, if any, that have been
made in the terms under which super-
vision or control is to be exercised for:

A. the holding of membership meetings
of the subordinate trade union:

B. the representation of members of the subordinate trade union at conferences and conventions of the trade union that has assumed supervision or control over the subordinate trade union:

Dated atthis.....day of

.....19....

.....
(signatures of principal officers)

R.R.O. 1970, Reg. 549, Form 4.

Form 7

Labour Relations Act

NOTICE AUTHORIZING REPRESENTATIVE FOR SERVICE OF PROCESS UNDER SECTION 87 OF THE *LABOUR RELATIONS ACT*

1. Name of reporting organization:

*Strike out if not applicable.

*i. trade union,

*ii. unincorporated employers' organization.

*Strike out if not applicable.

*2. Name or names other than (1) above by which the reporting organization

is known:.....

3.
(name)

.....
(address)

.....
a person resident in Ontario, is henceforth authorized to accept service of process and notices under the *Labour Relations Act* on behalf of the reporting organization.

*Strike out if not applicable.

*4. This notice replaces any prior notice previously filed by the reporting organization.

Dated atthis.....day of

....., 19....

.....
(signature)

.....
(official title)

R.R.O. 1970, Reg. 549, Form 5.

Form 8

Labour Relations Act

In the matter of a direction by the Ontario Labour Relations Board under section 135 of the *Labour Relations Act*.

Between:

Applicant,

— and —

Respondent.

To: The Registrar of the Supreme Court:

1 The Ontario Labour Relations Board hereby files a direction made in this matter under section 135 of the *Labour Relations Act*.

2. The direction was made under the following circumstances:

i. Members of the Board who constituted the quorum who made the direction:

- ii. Appearances for the Applicant:
 - iii. Appearances for the Respondent:
 - iv. Date and Place of Hearing:
 - v. Date of direction:
 - vi. Date of Release of direction:
3. The direction, exclusive of the reasons therefor, reads as follows:
- Dated atthis.....day of....., 19.....
- I certify that the copy of the direction is a true copy and the particulars set out herein are accurate.

.....
Registrar
Ontario Labour Relations Board
O. Reg. 30/71, s. 3, *part.*

Form 9

Labour Relations Act

NOTICE OF DESIGNATED JURISDICTIONAL REPRESENTATIVE
UNDER SECTION 136 OF THE *LABOUR RELATIONS ACT* (CONSTRUCTION INDUSTRY)

1. Name of organization giving notice:

- *Strike out term not applicable**
- *(a)** trade union:
 - *(b)** council of trade unions:
 - *(c)** employer:
 - *(d)** employers' organization:

2. The following are the name, address and telephone number of the person designated by the above named organization to act as a jurisdictional representative in the event of a dispute as to the assignment of work:

.....
(name)
.....
(address)
.....
(telephone number)

***Strike out if not applicable**

***3. This notice replaces any prior notice previously filed by this organization.**

Dated at, this.....day of....., 19.....

.....
(signature)
.....
(official title)

NOTE: Subsection 136 (1) of the *Labour Relations Act* reads as follows:

"Every trade union, council of trade unions, employer and employers' organization in the construction industry shall, within fifteen days after it has entered into a collective agreement, file with the Board a notice in the prescribed form giving the name and address of a person resident in Ontario who is authorized by the trade union, council of trade unions, employer or employers' organization to act as a designated jurisdictional representative in the event of a dispute as to the assignment of work."

O. Reg. 30/71, s. 3, *part*.

REGULATION 545

under the Labour Relations Act

OFFICE OF THE BOARD

1. The office of the Board shall be located at 400 University Avenue, Toronto, Ontario.

O. Reg. 473/71, s. 1.

REGULATION 546

under the Labour Relations Act

RULES OF PROCEDURE

INTERPRETATION

1.—(1) In these Rules,

- (a) "file" means file with the Board;
- (b) "party" means an applicant or complainant and each person served with notice of the application or complaint, or a person added as a party by the Board under section 79;
- (c) "person" includes a partnership, employers' organization, trade union and council of trade unions;
- (d) "registrar" means the Registrar of the Board and includes a deputy registrar;
- (e) "respondent" means the person named in an application or complaint as a respondent or added as a respondent by the Board under section 79.

(2) Where a period of time is prescribed by these Rules and expressed as a number of days, the period shall be computed as the number of days expressed, exclusive of holidays. R.R.O. 1970, Reg. 551, s. 1.

APPLICATIONS

GENERAL

2. When an application is made, the registrar shall fix a terminal date for the application which shall be not less than five and not more than ten days, as directed by the Board, after,

- (a) the day on which the registrar serves the employer with the notice of application for posting, where they are served personally; or
- (b) the day immediately following the day on which the registrar mails the notices of application to the employer for posting, where they are served by mail. R.R.O. 1970, Reg. 551, s. 2.

CERTIFICATION

3. An application for certification as bargaining agent shall be made in quadruplicate in Form 1. R.R.O. 1970, Reg. 551, s. 3.

4.—(1) The registrar shall serve the applicant with a notice of the fixing of the terminal date and of hearing in Form 2, or a notice of the fixing of the terminal date for the application in Form 3 as the case may be. O. Reg. 321/73, s. 1.

(2) The registrar shall serve the respondent with,

- (a) a copy of the application;
- (b) a notice of application and of hearing in Form 4, or a notice of application in Form 5, as the case may be; and
- (c) an appropriate number of notices of application in Form 6 or 7, as the case may be, for posting. R.R.O. 1970, Reg. 551, s. 4 (2).

5. Where an applicant has requested that a pre-hearing representation vote be taken and the Board has refused the request, the registrar shall,

- (a) fix a new terminal date for the application for the purposes of section 73;
- (b) serve the applicant with a notice of the fixing of the terminal date and of hearing in Form 2;
- (c) serve the respondent and the intervener, if any, with a notice of hearing in Form 8; and
- (d) serve the respondent with an appropriate number of notices of application in Form 6 for posting. R.R.O. 1970, Reg. 551, s. 5; O. Reg. 321/73, s. 2.

6. The applicant shall, not later than the second day after the terminal date for the application, file a declaration concerning membership documents in Form 9. R.R.O. 1970, Reg. 551, s. 6.

7. A respondent shall file a reply in quadruplicate in Form 10 not later than the terminal date for the application and the reply shall be accompanied by a copy of any existing or recently expired collective agreement that is or was recently binding upon the respondent or any employees of the respondent in the bargaining unit claimed by either the applicant or the respondent to be appropriate. R.R.O. 1970, Reg. 551, s. 7.

8. The registrar shall serve upon any trade union or council of trade unions named in the application or reply as claiming, or known to him as claiming, to be the bargaining agent of or to represent any employees who may be affected by the application a copy of the application and a notice of application in Form 11. R.R.O. 1970, Reg. 551, s. 8.

9.—(1) A trade union or council of trade unions that is served with a notice of application or that claims to represent or to be the bargaining agent of any employees who may be affected by the application shall file its intervention, if any, in quadruplicate in Form 12 not later than the terminal date for the application and, if it fails to file such an intervention, it may be deemed by the Board to have abandoned any claim to represent any of the employees who may be affected by the application.

(2) Where the trade union or council of trade unions referred to in subsection (1) claims to be the bargaining agent of any employees who may be affected by the application and is or was recently bound by a collective agreement with the respondent, it shall file a copy of the collective agreement. R.R.O. 1970, Reg. 551, s. 9.

10.—(1) A trade union or council of trade unions desiring certification as bargaining agent of employees who may be affected by the application shall file an intervener's application for certification in quadruplicate in Form 13 not later than the terminal date for the application and the intervener's application shall be accompanied by a declaration concerning membership documents in Form 9.

(2) Section 2 does not apply to an intervener's application.

(3) Where the Board so directs, the registrar shall serve the employer with notices of the intervener's application for posting. R.R.O. 1970, Reg. 551, s. 10.

11. Where the applicant that has filed an application for certification or where the intervener that has filed an intervener's application for certification is a council of trade unions, it shall file with the registrar at the time the application or intervention is made the documents upon which it intends to rely to satisfy the Board that each of the trade unions that is a constituent union of the council has vested appropriate authority in the council to enable it to discharge the responsibilities of a bargaining agent. R.R.O. 1970, Reg. 551, s. 11.

RIGHT OF ACCESS

12.—(1) An application for a direction granting a right of access shall be made in quadruplicate in Form 14.

(2) Section 2 does not apply to an application under subsection (1). O. Reg. 29/71, s. 1, *part*.

13.—(1) The registrar shall serve the respondent with,

- (a) a copy of the application; and
- (b) a notice of application and of hearing in Form 15.

(2) The registrar shall serve the applicant with a notice of hearing in Form 8. O. Reg. 29/71, s. 1, *part*.

14. A respondent shall file his reply, in quadruplicate in Form 16 not later than the sixth day after,

- (a) the day on which the registrar served the respondent with the notice of application, where it was served personally; or
- (b) the day immediately following the day on which the registrar mailed the notice of application to the respondent, where it was served by mail. O. Reg. 29/71, s. 1, *part*.

TERMINATION OF BARGAINING RIGHTS

15. An application for a declaration of termination of bargaining rights shall be made in quadruplicate in Form 17. R.R.O. 1970, Reg. 551, s. 12.

16.—(1) The registrar shall serve the applicant with a notice of the fixing of the terminal date and of hearing in Form 2. O. Reg. 321/73, s. 3.

(2) The registrar shall serve the respondent with,

- (a) a copy of the application; and
- (b) a notice of application and of hearing in Form 18.

(3) The registrar shall serve the employer with an appropriate number of notices of application in Form 19 for posting. R.R.O. 1970, Reg. 551, s. 13 (2, 3).

17. A respondent shall file a reply in quadruplicate in Form 20 not later than the terminal date for the application. R.R.O. 1970, Reg. 551, s. 14.

18.—(1) Where the application is made by a person other than the employer, the registrar shall serve the employer with a copy of the application and a notice of application and of hearing in Form 21.

(2) An employer upon whom a copy of an application and a notice of application and of hearing are served shall file his intervention, if any, in quadruplicate in Form 12 not later than the terminal date for the application. R.R.O. 1970, Reg. 551, s. 15.

SUCCESSOR RIGHTS — TRADE UNION

19. An application for a declaration concerning the status of a successor trade union shall be made in quadruplicate in Form 22. R.R.O. 1970, Reg. 551, s. 16.

20.—(1) The registrar shall serve a copy of the application and a notice of application in Form 23 upon,

- (a) the respondent;

- (b) the trade union named in the application as the predecessor trade union; and
- (c) the employer where the respondent named in the application is a person other than the employer.

(2) The registrar shall serve the employer with an appropriate number of notices of application in Form 24 for posting. R.R.O. 1970, Reg. 551, s. 17.

21. A respondent, a trade union or an employer served under section 20 shall file a reply in quadruplicate in Form 25 not later than the terminal date for the application. R.R.O. 1970, Reg. 551, s. 18.

22.—(1) Where a party requests a hearing by the Board of an application under section 19, he shall set out in the application or reply, as the case may be, a concise statement of,

- (a) the material facts upon which he proposes to rely at the hearing;
- (b) the relief to which he claims to be entitled by reason of such facts; and
- (c) the submissions he proposes to make in support of a claim for relief.

(2) Any employee or group of employees affected by an application under section 19 who desires to make representations in opposition to the application shall file a statement of desire as prescribed in Form 24 not later than the terminal date for the application.

(3) Where no reply has been filed as required by section 21 and no statement of desire to make representations has been filed in the form and manner required by subsection (2), or any such reply or statement that has been filed does not state that a party, employee or representative of a group of employees desires a hearing before the Board, the Board may dispose of the application upon the material before it without further notice to any party or to the employees.

(4) Where a party or an employee or the representative of a group of employees requests or the Board directs a hearing, the registrar shall serve each of the parties and each such employee or representative of a group of employees with a notice of hearing in Form 8. R.R.O. 1970, Reg. 551, s. 19.

SUCCESSOR RIGHTS — SALE OF A BUSINESS

23. An application under section 63 of the Act shall be made in quadruplicate in Form 26. O. Reg. 29/71, s. 1, *part*.

24.—(1) The registrar shall serve the respondent, any trade union named in the application as having an interest and the employer who it is claimed has sold his business with,

(a) a copy of the application; and

(b) a notice of application and of hearing in Form 27. O. Reg. 29/71, s. 1, *part*.

(2) The registrar shall serve the person to whom it is claimed the business has been sold with an appropriate number of notices of application and of hearing for posting in Form 28. O. Reg. 321/73, s. 4.

(3) The registrar shall serve the applicant with a notice of hearing in Form 8. O. Reg. 29/71, s. 1, *part*.

25.—(1) The respondent shall file a reply in quadruplicate in Form 29 not later than the terminal date for the application.

(2) Any other trade union, employer, or other person served under section 24 shall file an intervention in quadruplicate in Form 30 not later than the terminal date for the application. O. Reg. 29/71, s. 1, *part*.

26. Any employee or group of employees affected by an application under section 23 who desires to make representations in connection with the application shall file a statement of desire to make representations and such statement shall,

- (a) be in writing, signed by the person making the statement or his representative;
- (b) contain the names of the parties to the application;
- (c) contain a return mailing address; and
- (d) contain a concise summary of the representations. O. Reg. 29/71, s. 1, *part*.

ASSOCIATED OR RELATED BUSINESSES OR ACTIVITIES

27. An application under subsection 1 (4) of the Act shall be made in quadruplicate in Form 31. O. Reg. 676/75, s. 1, *part*.

28.—(1) The registrar shall serve the respondents and any trade union named in an application as having an interest, with,

(a) a copy of the application; and

(b) a notice of application and of hearing in Form 32.

(2) The registrar shall serve the respondents with an appropriate number of notices of application and of hearing for posting in Form 33.

(3) The registrar shall serve the applicant with a notice of hearing in Form 8. O. Reg. 676/75, s. 1, *part*.

29.—(1) A respondent shall file its reply in quadruplicate in Form 34 not later than the terminal date for the application.

(2) Any other trade union, employer or other person served under section 28 shall file an intervention in quadruplicate in Form 35 not later than the terminal date for the application. O. Reg. 676/75, s. 1, *part*.

30. Any employee or group of employees affected by an application under section 27 who desires to make representations in connection with the application shall file a statement of desire to make representations and such statement shall,

- (a) be in writing, signed by the person making the statement or his representative;
- (b) contain the names of the parties to the application;
- (c) contain a return mailing address; and
- (d) contain a concise summary of the representations. O. Reg. 676/75, s. 1, *part*.

31. Subject to the giving of notice and the provision of particulars, nothing contained in sections 27 to 30 shall prevent an applicant from claiming relief under subsection 1 (4) of the Act in any proceeding under the Act. O. Reg. 676/75, s. 1, *part*.

DECLARATION THAT STRIKE OR LOCKOUT UNLAWFUL

32.—(1) An application for a declaration that a strike is unlawful shall be made in quadruplicate in Form 36 or 37, as the case may be.

(2) An application for a declaration that a lockout is unlawful shall be made in quadruplicate in Form 38.

(3) Section 2 does not apply to an application under subsection (1) or (2). R.R.O. 1970, Reg. 551, s. 20.

33. The registrar shall serve each respondent with,

- (a) a copy of the application; and
- (b) a notice of application and of hearing in Form 39. R.R.O. 1970, Reg. 551, s. 21.

34. A respondent may reply by filing his reply in quadruplicate in Form 40 not later than the sixth day after,

- (a) the day on which the registrar served the respondent with the notice of application, where it was served personally; or
- (b) the day immediately following the day on which the registrar mailed the notice of ap-

plication to the respondent, where it was served by mail. R.R.O. 1970, Reg. 551, s. 22.

APPLICATIONS FOR DIRECTION UNDER SECTION 92 OR 93 OF THE ACT

35.—(1) An application to the Board for a direction under section 92 or 93 of the Act shall be made in quadruplicate in Form 41.

(2) Section 2 does not apply to an application under subsection (1). O. Reg. 676/75, s. 1, *part*.

36. The registrar shall serve the respondent with a notice of application and of hearing in Form 42 and shall serve the applicant with a notice of hearing in Form 8. O. Reg. 676/75, s. 1, *part*.

37. A respondent shall file its reply in quadruplicate in Form 43 not later than the sixth day after,

- (a) the day on which the registrar served the respondent with the notice of application, where it was served personally; or
- (b) the day immediately following the day on which the registrar mailed the notice of application to the respondent, where it was served by mail. O. Reg. 676/75, s. 1, *part*.

CONSENT TO INSTITUTE PROSECUTION

38.—(1) An application for consent to institute a prosecution shall be made in quadruplicate in Form 44.

(2) Section 2 does not apply to an application under subsection (1).

(3) The registrar shall serve each respondent with,

- (a) a copy of the application; and
- (b) a notice of application and of hearing in Form 39. R.R.O. 1970, Reg. 551, s. 23.

39. A respondent may reply by filing his reply in quadruplicate in Form 45 not later than the sixth day after,

- (a) the day on which the registrar served the respondent with the notice of application, where it was served personally; or
- (b) the day immediately following the day on which the registrar mailed the notice of application to the respondent, where it was served by mail. R.R.O. 1970, Reg. 551, s. 24.

EXEMPTION FROM UNION SECURITY
PROVISIONS OF A COLLECTIVE AGREEMENT

40.—(1) An application for exemption from a union security provision in a collective agreement on the grounds of religious conviction or belief shall be made in quadruplicate in Form 46.

(2) Section 2 does not apply to an application under subsection (1). O. Reg. 29/71, s. 1, *part*.

41. The Registrar shall serve the trade union and employer with a copy of the application and a notice of application and of hearing in Form 47 and shall serve the applicant with a notice of hearing in Form 8.

O. Reg. 29/71, s. 1, *part*.

42.—(1) The trade union and employer shall file their replies in quadruplicate in Form 48 not later than the sixth day after,

(a) the day on which the registrar served the notice of application and of hearing, where it was served personally; or

(b) the day immediately following the day on which the registrar mailed the notice of application and of hearing, where it was served by mail.

(2) Each reply shall be accompanied by a copy of the collective agreement in operation between the trade union and employer at the date of the application. O. Reg. 29/71, s. 1, *part*.

COMPLAINTS

FINANCIAL STATEMENTS

43.—(1) A complaint that a trade union has failed upon request to furnish a member with a copy of the audited financial statement of its affairs shall be made in quadruplicate in Form 49.

(2) The registrar shall serve the trade union with a copy of the complaint and a notice of complaint in Form 50. R.R.O. 1970, Reg. 551, s. 25.

44. The trade union shall file its reply in quadruplicate in Form 51 not later than the sixth day after,

(a) the day on which the registrar served the trade union with the notice of complaint, where it was served personally; or

(b) the day immediately following the day on which the registrar mailed the notice of complaint to the trade union, where it was served by mail. R.R.O. 1970, Reg. 551, s. 26.

45. Where, after the expiration of the time for reply fixed by section 44 the complainant informs the Board that the trade union has not furnished the complainant with a copy of the financial statement or where the trade union in its reply claims that the applicant is not entitled to be furnished with such a statement, the registrar shall serve each of the parties with a notice of hearing in Form 8. R.R.O. 1970, Reg. 551, s. 27.

COMPLAINTS—FINANCIAL STATEMENTS

46.—(1) A complaint that an audited financial statement furnished by a trade union is inadequate shall be made in quadruplicate in Form 52.

(2) The registrar shall serve the trade union with a copy of the complaint and a notice of complaint in Form 53. O. Reg. 676/75, s. 1, *part*.

47. The trade union shall file its reply in quadruplicate in Form 54 not later than the sixth day after,

(a) the day on which the registrar served the trade union with the notice of complaint where it was served personally; or

(b) the day immediately following the day on which the registrar mailed the notice of complaint to the trade union, where it was served by mail. O. Reg. 676/75, s. 1, *part*.

48. Where, after the expiration of the time for reply fixed by section 47 the complainant informs the Board that the trade union has not furnished an adequate audited financial statement or where the trade union in its reply claims that the statement previously furnished is adequate, the registrar shall serve each of the parties with a notice of hearing in Form 8.

O. Reg. 676/75, s. 1, *part*.

49. Where the Minister certifies to the Board that an administrator has failed to comply with subsection 86 (2) or (3) of the Act, the registrar shall serve the administrator with a notice in Form 56 and a copy of the certificate of failure. O. Reg. 676/75, s. 1, *part*.

50.—(1) A complaint by a member of a trade union that an administrator has failed to comply with subsection 86 (2) or (3) of the Act shall be made in quadruplicate in Form 55.

(2) The registrar shall serve the administrator with a notice of the complaint in Form 56. O. Reg. 676/75, s. 1, *part*.

51. The administrator shall file its reply to a certificate of failure or a complaint in quadruplicate in Form 57 not later than the sixth day after,

(a) the day on which the registrar served the administrator with the notice of certificate or complaint, where it was served personally; or

- (b) the day immediately following the day on which the registrar mailed the notice of certificate or complaint where it was served by mail. O. Reg. 676/75, s. 1, *part*.

52. Where after the expiration of the time for reply fixed by section 51 the Minister or the complainant as the case may be informs the Board that the administrator is still in contravention of subsection 86 (2) or (3) of the Act, the registrar shall serve each of the parties with a notice of hearing in Form 8. O. Reg. 676/75, s. 1, *part*.

COMPLAINT UNDER SECTION 89 OF THE ACT

53. A complaint under section 89 of the Act shall be made in quadruplicate in Form 58 or 59, as the case may be. R.R.O. 1970, Reg. 551, s. 28.

54.—(1) Where the Board authorizes a labour relations officer to inquire into a complaint, the labour relations officer shall meet with the complainant.

(2) Where the labour relations officer has met with the complainant he shall,

- (a) report his findings to the Board and the Board shall,

(i) deal with the complaint under section 71, or

(ii) refer the complaint back to the labour relations officer;

or

- (b) deliver a copy of the complaint to the respondent and each interested party named in the complaint and such other persons as the Board may direct.

(3) Where, under clause (2) (b), the labour relations officer delivers copies of the complaint, he may meet with the parties and shall,

- (a) report his findings to the Board and the Board shall,

(i) deal with the complaint under section 71, or

(ii) refer to complaint to the registrar who shall serve the complainant, the respondent, each interested party named in the complaint and such other person as the Board may direct with a notice of hearing in Form 8;

or

- (b) refer the complaint to the registrar who shall serve the complainant, the respondent, each

interested party named in the complaint and such other person as the Board may direct with a notice of hearing in Form 8.

O. Reg. 676/75, s. 3.

55.—(1) Where the Board, under clause 103 (2) (h) of the Act, authorizes the chairman or a vice-chairman to inquire into the complaint and report to the Board, the registrar shall serve,

- (a) the complainant;

(b) the person against whom the complaint is made;

(c) each interested person named in the complaint; and

(d) such other persons as the Board may direct,

with a notice of inquiry in Form 60.

(2) The person against whom the complaint is made shall file his reply, if any, in quadruplicate in Form 61 not later than the sixth day after,

(a) the day on which the registrar served the notice of hearing or inquiry, where it was served personally; or

(b) the day immediately following the day on which the registrar mailed the notice of hearing or inquiry, where it was served by mail.

(3) A person, other than the person against whom the complaint is made, who has been served with a copy of the complaint and notice of hearing, shall file his intervention, if any, in quadruplicate in Form 62 not later than the sixth day after,

(a) the day on which the registrar served the notice of hearing or inquiry, where it was served personally; or

(b) the day immediately following the day on which the registrar mailed the notice of hearing or inquiry, where it was served by mail.

O. Reg. 29/71, s. 3, *part*.

56.—(1) The registrar shall serve a copy of the report of the chairman or vice-chairman, as the case may be, authorized to inquire into the complaint, together with a notice of the report in Form 63, upon each of the persons served with the notice of inquiry.

(2) Any person served with the notice of inquiry who desires to make representations concerning the report shall file a statement of desire as prescribed in Form 63 not later than the sixth day after,

(a) the day on which the registrar served the person with the notice of report, where it was served personally; or

(b) the day immediately following the day on which the registrar mailed the notice of report to the person, where it was served by mail.

(3) Where the registrar receives a statement of desire to make representations in the form and manner required by this section, or where the Board so directs, the registrar shall serve each of the persons served with a notice of inquiry with a notice of hearing by the Board in Form 8. O. Reg. 29/71, s. 3, *part*.

JURISDICTIONAL DISPUTES

57. A complaint to the Board under section 91 of the Act shall be made in quadruplicate in Form 64.

O. Reg. 29/71, s. 3, *part*.

58. The registrar shall serve upon the respondent and each person named by the complainant as being affected by the complaint a notice of complaint and of hearing in Form 65 and he shall serve upon the complainant a notice of hearing in Form 8. R.R.O. 1970, Reg. 551, s. 33.

59. Every person who is served with a notice of complaint shall file a reply in quadruplicate in Form 66 not later than the sixth day after,

- (a) the day on which the registrar served the notice of application where it was served personally; or
- (b) the day immediately following the day on which the registrar mailed the notice of application, where it was served by mail. R.R.O. 1970, Reg. 551, s. 34.

60. A complainant shall file together with his complaint, and every person served with a notice of application shall file together with his reply,

- (a) any union constitution;
- (b) any collective agreement;
- (c) any agreement or understanding between trade unions 'as to their respective jurisdictions on work assignment;
- (d) any agreement or understanding between a trade union and an employer as to work assignment;
- (e) any decision of any tribunal respecting work assignment; and
- (f) any other document,

relating to the work in dispute which may be in his possession and upon which he proposes to rely in support of his claim for relief or his claim that the relief requested should not be granted, as the case may be, and a statement as to any area or trade

practice relating to the work in dispute, and pictures, diagrams or drawings of the disputed work. R.R.O. 1970, Reg. 551, s. 35.

61. Where a complainant has requested that the Board issue a direction with respect to the assignment of work and subsequently the complainant or any other person affected by the complaint requests that the Board issue an interim order with respect to such assignment, the request for an interim order shall contain,

- (a) the names and addresses of,
 - (i) the person making the request,
 - (ii) the complainant,
 - (iii) the respondent, and
 - (iv) any other person, trade union, council of trade unions or employers' organization that may be affected by the request;
- (b) the Board file number of the complaint; and
- (c) the material facts upon which the person making the request proposes to rely in support of his allegation that a strike is imminent or is taking place by reason of the requirement as to the assignment of work or by reason of the assignment of work. R.R.O. 1970, Reg. 551, s. 36.

62.—(1) Where any person has requested that the Board issue an interim order respecting work assignment, the registrar shall give notice of such request by telegram or by personal service to the complainant, the respondent and each person named in the complaint or request as being affected by such complaint or request, and the notice shall fix a date, which shall be not less than two and not more than five days, as directed by the Board, from the date on which the registrar sends the telegram or effects personal service, as the case may be, on which the Board shall consult with the persons that in its opinion are concerned in the request.

(2) Where the registrar sends a notice under this section to a person and such person fails to appear before the Board at the time fixed in the notice, the Board may dispose of the request for an interim order without further notice to such person. R.R.O. 1970, Reg. 551, s. 37.

63.—(1) Where the Board has issued an interim order or made a direction respecting the assignment of work under section 91 of the Act, an application that the Board direct a person to cease and desist from doing anything intended or likely to interfere with the terms of the interim order or direction respecting the assignment of work shall be made in quadruplicate in Form 67.

(2) Section 2 does not apply to an application under subsection (1). O. Reg. 29/71, s. 3, *part*.

64.—(1) The registrar shall serve upon the applicant, the respondent and each person named by the applicant as being affected by the application, by telegram or by personal service, a notice of the making of the application and the notice shall fix a date which shall be not less than two days and not more than five days, as directed by the Board, from the date on which the registrar sends the telegram or effects personal service, as the case may be, for the hearing of the application.

(2) The registrar shall serve a copy of the application upon the respondent and each person named by the applicant as being affected by the application. R.R.O. 1970, Reg. 551, s. 39.

65. Where the registrar sends a notice under section 64 to a person and such person fails to appear at the hearing, the Board may dispose of the application without further notice to the person. R.R.O. 1970, Reg. 551, s. 40.

66.—(1) Where a strike is imminent or is taking place by reason of the requirement as to assignment of work or by reason of the assignment of work, a request for an interim order respecting work assignment or an application for a direction that a person cease and desist from doing anything intended or likely to interfere with the terms of an interim order or direction respecting work assignment may be made to the Board by telegram, but, in such an event, the complaint or application in Form 64 or 67, as the case may be, shall be mailed to the Board by registered mail on the day on which the telegram is sent.

(2) A request or application made under subsection (1) shall not be deemed to be invalid by reason of its failure to conform to the requirements of section 60 or Form 64 or 67, but the Board may issue such direction as it considers necessary for the further processing of the request or complaint. R.R.O. 1970, Reg. 551, s. 41.

LABOUR RELATIONS OFFICER

67.—(1) In this section, "labour relations officer" means a person authorized by the Board to inquire into and report upon any matter arising out of a proceeding before the Board, other than a person making an inquiry referred to in section 54 or 55.

(2) A labour relations officer shall file his report immediately upon its completion and, where the Board so directs, the registrar shall serve upon each of the parties to the proceedings and in the case of an application for certification or for a declaration terminating bargaining rights, upon any employee or representative of a group of employees who appeared at the hearing of the application, a copy of the report and a notice of the report in Form 68. O. Reg. 676/75, s. 6.

(3) Any person who is served with a notice of the report and desires to make representations concerning the report shall file a statement of desire as prescribed in Form 68 not later than the sixth day after,

- (a) the day on which the registrar served the notice of the report, where it was served personally; or
- (b) the day immediately following the day on which the registrar mailed the notice of the report, where it was served by mail.

(4) Where no statement of desire to make representations has been filed in the form and manner required by subsection (3), or any such statement that has been filed does not state that a party, employee or representative of a group of employees desires a hearing before the Board, the Board may dispose of the application upon the material before it without further notice to any party or to the employees.

(5) Where the registrar receives a statement of desire to make representations filed in the form and manner required by this section and the person filing such statement states that he desires a hearing, or where the Board so directs, the registrar shall serve each of the parties to the proceeding with a notice of hearing in Form 8. R.R.O. 1970, Reg. 551, s. 42 (3-5).

REPRESENTATION VOTES

68. Where the Board directs the taking of a representation vote and refers the matter to the registrar, the registrar may, subject to the provisions of the reference,

- (a) settle the list of employees to be used for the purposes of the vote;
- (b) settle the form of the ballot;
- (c) settle the date and hour for the taking of the vote;
- (d) set the number and location of the polling places;
- (e) prepare notices of the taking of the vote in Form 69 and direct posting thereof by the employer on his premises;
- (f) act as the returning officer or appoint a returning officer;
- (g) appoint such deputy returning officers and poll clerks as he deems necessary;
- (h) give any directions he deems necessary for the disposition of improperly marked ballots and of ballots of persons whose eligibility to vote has been challenged by

a party or is in doubt and generally for the proper conduct of the vote;

- (i) take the vote by secret ballot on the premises of the employer during working hours if practicable or, if not practicable, in any other manner or place approved by the Board; and
 - (j) direct all interested persons to refrain and desist from propaganda and electioneering during the day or days the vote is taken and for seventy-two hours before the day on which the vote is commenced.
- R.R.O. 1970, Reg. 551, s. 43.

69.—(1) Subject to subsection (2), the returning officer shall, upon the completion of the vote,

- (a) prepare a report of the vote;
- (b) serve a copy of the report together with a notice of the report in Form 70, 71 or 72, as the case may be, upon each of the parties;
- (c) serve the employer with an appropriate number of copies of the report and the notice; and
- (d) file a copy of the report.

(2) Where the Board or the registrar directs that the ballot box be sealed and that the ballots be not counted pending a further direction by the Board and the Board subsequently directs that the ballots be counted, the returning officer shall, upon completion of the counting of the ballots,

- (a) prepare a report of the vote;
- (b) serve a copy of the report with a notice of the report in Form 73 upon each of the parties;
- (c) serve the employer with an appropriate number of copies of the report and the notice; and
- (d) file a copy of the report.

(3) The employer shall post the copies of the report and notice immediately upon their receipt and keep them posted upon his premises in conspicuous places where they are most likely to come to the attention of all employees who may be affected by the application until the expiration of the sixth day after the day on which the returning officer served the employer with copies of the report and the notice.

(4) Immediately after the employer has posted the copies of the report and notice under subsection (3) he shall file a return of posting in Form 74. R.R.O. 1970, Reg. 551, s. 44.

70.—(1) Subject to subsection (3), where a representation vote is taken after the hearing of an application,

- (a) a party; or
- (b) any employee or representative of a group of employees,

who desires to make representations as to any matter relating to the representation vote, or as to the accuracy of the report of the returning officer, or as to the conclusions the Board should reach in view of the report, shall file a statement of desire as prescribed in Form 70 or 72, as the case may be, on or before the last day for the posting of the copies of the report and notices under subsection 69 (3).

(2) Subject to subsection (3), where a pre-hearing representation vote is taken,

- (a) a party; or
- (b) any employee or representative of a group of employees,

who desires to make representations in connection with the application or as to any matter relating to the representation vote or the accuracy of the report of the returning officer or the conclusions the Board should reach in view of the report, shall file a statement of desire as prescribed in Form 71 or 72, as the case may be, on or before the last day for the posting of copies of the report and notices under subsection 69 (3).

(3) Where a representation vote is taken in connection with a direction that the ballot box be sealed and the Board subsequently directs that the ballots be counted,

- (a) a party; or
- (b) any employee or representative of a group of employees,

who desires to make representations as to the accuracy of the report of the returning officer on the counting of the ballots or the conclusions the Board should reach in view of the report, shall file a statement of desire as prescribed in Form 73, on or before the last day for the posting of the copies of the report and notices under subsection 69 (3).

(4) Upon receiving a statement of desire to make representations in the form and manner required by this section that contains a statement that a party or any employee or representative of a group of employees desires a hearing before the Board, the registrar shall serve a notice of hearing in Form 8 upon each of the parties to the proceedings and upon each person who has filed a statement.

(5) Where no statement of desire to make representations has been filed in the form and manner

required by this section, or no such statement that has been filed states that a party, employee or representative of a group of employees desires a hearing before the Board, the Board may dispose of the application upon the material then before it without further notice to any party or to the employees. R.R.O. 1970, Reg. 551, s. 45.

DISMISSAL WITHOUT A HEARING

71.—(1) Where an application or complaint does not, in the opinion of the Board, make out a *prima facie* case for the remedy requested, the Board may dismiss the application or complaint without a hearing and it shall in its decision state the reason for the dismissal.

(2) The applicant or complainant may within ten days after he is served with the decision of the Board under subsection (1) request the Board to review its decision.

(3) A request for review under this section shall contain a concise statement of the facts and reasons upon which the applicant relies.

(4) Upon a request for review being filed, the Board may,

- (a) direct that the application or complaint be re-opened and proceeded with by the Board in accordance with the provisions applicable thereto;
- (b) direct the registrar to serve the applicant and any other person who in the opinion of the Board may be affected by the application or complaint with a notice of hearing to show cause why the application or complaint should be re-opened; or
- (c) confirm its decision dismissing the application or complaint. R.R.O. 1970, Reg. 551, s. 46.

PARTICULARS

72.—(1) Where a person intends to allege, at the hearing of an application or complaint, improper or irregular conduct by any person, he shall,

- (a) include in the application or complaint; or
- (b) file a notice of intention that shall contain,

a concise statement of the material facts, actions and omissions upon which he intends to rely as constituting such improper or irregular conduct, including the time when and the place where the actions or omissions complained of occurred and the names of the persons who engaged in or committed them, but not the evidence by which the material facts, actions or omissions are to be proved, and, where he alleges that the improper or irregular

conduct constitutes a violation of any provision of the Act, he shall include a reference to the section or sections of the Act containing such provision.

(2) Where, in the opinion of the Board, a person has not filed notice of intention promptly upon discovering the alleged improper or irregular conduct, he shall not adduce evidence at the hearing of the application of such facts, except with the consent of the Board and, if the Board deems it advisable to give such consent, it may do so upon such terms and conditions as it considers advisable.

(3) Where a statement in an application or complaint or in any document filed under these Rules in respect of the application or complaint is so indefinite or incomplete as to hamper any person in the preparation of his case, the Board may, upon the request of the person made promptly upon receipt of the application, complaint or document, direct that the information stated be made specific or complete and, if the person so directed fails to comply with the direction, the Board may strike the statement from the application, complaint or document.

(4) No person shall adduce evidence at the hearing of an application or complaint of any material fact that has not been included in the application or complaint or in any document filed under these Rules in respect of the application or complaint, except with the consent of the Board and, if the Board considers it advisable to give such consent, it may do so upon such terms and conditions as it considers advisable. R.R.O. 1970, Reg. 551, s. 47.

EVIDENCE AS TO REPRESENTATION

73.—(1) Evidence of membership in a trade union or of objection by employees to certification of a trade union or of signification by employees that they no longer wish to be represented by a trade union shall not be accepted by the Board on an application for certification or for a declaration terminating bargaining rights unless the evidence is in writing, signed by the employee or each member of a group of employees, as the case may be, and,

- (a) is accompanied by,
 - (i) the return mailing address of the person who files the evidence, objection or signification, and
 - (ii) the name of the employer; and
- (b) is filed not later than the terminal date for the application.

(2) No oral evidence of membership in a trade union or of objection by employees to certification of a trade union or of signification by employees that they no longer wish to be represented by a trade union shall be accepted by the Board except to identify and substantiate the written evidence referred to in subsection (1).

(3) Any employee or group of employees affected by an application for certification or by a declaration of termination of bargaining rights and desiring to make representations to the Board in opposition to the application may file a statement in writing of such desire in the form prescribed by subsection (1) not later than the terminal date for the application, but this subsection does not apply where the Board grants a request that a pre-hearing representation vote be taken.

(4) An employee or group of employees who has filed a statement of desire in the form and manner required by this section may appear and be heard at the hearing or, in the case of an application to which sections 87 to 99 apply, at any hearing directed by the Board, in person or by a representative.

(5) The Board may dispose of the application without considering the statement of desire of any employee who fails to appear in person or by a representative and adduce evidence that includes testimony in the personal knowledge and observation of the witness as to,

- (a) the circumstances concerning the origination of the statement of desire; and
- (b) the manner in which each signature on the statement of desire was obtained. R.R.O. 1970, Reg. 551, s. 48.

SERVICE

74.—(1) Where a notice of hearing in Form 8 is required to be served, it shall be served not less than two days before the day fixed for the hearing.

(2) Where any person served with a notice of hearing fails to attend the hearing or any adjournment thereof, the Board may proceed in his absence. R.R.O. 1970, Reg. 551, s. 49.

75.—(1) Where a document is required to be filed by these Rules, filing shall be deemed to be made,

- (a) at the time it is received by the Board; or
 - (b) where it is mailed by registered mail addressed to the Board at its office at 400 University Avenue, Toronto, Ontario, M7A 1V4, at the time it is mailed.
- (2) Where a document is required to be served by these Rules, the service may be made,
- (a) in person; or
 - (b) by mail addressed to the recipient at his address for service or his last-known or usual address or at his principal office or his place of business, referred to in an

application, complaint, intervention or reply in the proceeding. R.R.O. 1970, Reg. 551, s. 50, O. Reg. 474/71, s. 1.

76.—(1) The registrar shall serve each of the parties to a proceeding with a copy of each reply, intervention, intervener's application for certification, statement of desire to make representations or notice of intention to make allegations of improper or irregular conduct, filed in the proceeding.

(2) Upon receipt of a statement of desire by an employee or a group of employees to make representations in opposition to an application under these Rules, the registrar shall inform in writing the applicant, the respondent and the intervener, if any, of the nature thereof. R.R.O. 1970, Reg. 551, s. 51.

77.—(1) Where the registrar serves an employer with notices of application for posting, the employer shall post the notices immediately upon their receipt and keep them posted upon his premises in conspicuous places where they are most likely to come to the attention of all employees who may be affected by the application until the expiration of the terminal date for the application.

(2) Immediately after the employer has posted the notices under subsection (1) he shall file a return of posting in Form 74. R.R.O. 1970, Reg. 551, s. 52.

78. Where a trade union that makes an application for certification or for a declaration concerning the status of a successor trade union or that files an intervention has not been found by the Board to be a trade union within the meaning of clause 1 (1) (b) of the Act in a previous proceeding under the Act, the registrar shall serve upon the parties to the application and upon any trade union upon whom he is required to effect service under section 8 or 94 a notice to that effect and he shall also attach such a notice to any notice to employees of the making of an application that an employer is required to post under sections 4, 5, 10, 20, 91 or 96. R.R.O. 1970, Reg. 551, s. 53.

GENERAL

79. The Board may direct that any person be added as a party to a proceeding or be served with any document, as the Board considers advisable. R.R.O. 1970, Reg. 551, s. 54.

80.—(1) The Board may dispose of any application or complaint without further notice to anyone who has not filed a document in the proceeding in the form and manner prescribed by these Rules.

(2) Where a person is served with a notice of hearing by the registrar or is informed of the hearing by posting and fails to appear at the hearing, the Board may dispose of the application or complaint without

further notice to the person and without considering any statement filed by him. R.R.O. 1970, Reg. 551, s. 55.

81. Where the Board deems it necessary, it may at any time direct that a proceeding before the Board be consolidated with any other proceeding before the Board and it may issue such directions in respect of the conduct of the consolidated proceeding as it considers advisable. R.R.O. 1970, Reg. 551, s. 56.

82.—(1) The Board may, if it considers it advisable in the interests of justice, adjourn any hearing for such time and to such place and upon such terms as it considers fit.

(2) The Board may, upon such terms as it considers advisable, enlarge the time prescribed by these Rules for doing any act, serving any notice, filing any report, document or paper or taking any proceeding and may do so although application therefor is not made until after the expiration of the time prescribed.

(3) Where it is satisfied that it is necessary or convenient in the public interest, the Board may abridge the time prescribed by these Rules for doing any act, serving any notice, filing any report, document or paper or taking any proceeding. R.R.O. 1970, Reg. 551, s. 57.

83. An application, reply, intervention, complaint, statement of desire to make representations or notice may be amended before or at the hearing by leave of the Board upon such terms and conditions as the Board considers advisable. R.R.O. 1970, Reg. 551, s. 58.

84. No proceeding under these Rules is invalid by reason of any defect in form or of any technical irregularity. R.R.O. 1970, Reg. 551, s. 59.

85. The decisions, declarations, determinations, directions, orders and rulings of the Board shall be signed on behalf of the Board by the chairman or a vice-chairman. R.R.O. 1970, Reg. 551, s. 60.

86. Procedure not prescribed is governed by analogy to these Rules. R.R.O. 1970, Reg. 551, s. 61.

CONSTRUCTION INDUSTRY

GENERAL

87.—(1) This section and sections 88 to 99 apply to proceedings for certification in the construction industry to which sections 117 to 123 of the Act apply, and, except as otherwise provided, sections 2 to 10, subsection 67 (5) and subsection 70 (4) do not apply to such proceedings.

(2) Section 89 applies to proceedings for termination of bargaining rights in the construction industry to which sections 117 to 123 of the Act apply, and, except

as otherwise provided, section 2 does not apply to such proceedings.

(3) Where an application for certification under section 90 is made and the Board finds that the application is not one within the meaning of subsection 119 (1) of the Act, the Board may issue such directions as it deems necessary with respect to the terminal date, the filing of any document and any other matter necessary for the further processing of the application. R.R.O. 1970, Reg. 551, s. 63.

(4) Sections 100 and 101 apply to proceedings for accreditation and termination of accreditation as bargaining agent in the construction industry and section 2 does not apply to such proceedings. O. Reg. 29/71, s. 5.

88. Where there is a conflict between any provision in sections 87 to 123 and any provision in sections 1 to 86, the provisions in sections 87 to 123 prevail. O. Reg. 29/71, s. 6.

89. When an application is made, the registrar shall fix a terminal date for the application which shall be not less than four and not more than six days, as directed by the Board, after,

- (a) the day on which the registrar serves the employer with the notices of application for posting, where they are served personally; or
- (b) the day immediately following the day on which the registrar mails the notices of application to the employer for posting, where they are served by mail. R.R.O. 1970, Reg. 551, s. 65.

CERTIFICATION

90. An application for certification as bargaining agent shall be made in quadruplicate in Form 75, but, where the applicant desires a pre-hearing representation vote, the application shall be made in Form 1 and sections 3 to 10 apply. R.R.O. 1970, Reg. 551, s. 66.

91.—(1) The registrar shall serve the applicant with a notice of the fixing of the terminal date for the application in Form 76.

(2) The registrar shall serve the respondent with,

- (a) a copy of the application;
- (b) a notice of the application in Form 77; and
- (c) an appropriate number of notices of application in Form 78 for posting. R.R.O. 1970, Reg. 551, s. 67.

92. The applicant shall, not later than the terminal date for the application, file a declaration concerning

membership documents in Form 80. R.R.O. 1970, Reg. 551, s. 68.

93. A respondent shall file a reply in quadruplicate in Form 81 not later than the terminal date for the application and the reply shall be accompanied by a copy of any existing or recently expired collective agreement that is or was recently binding upon the respondent or the employees of the respondent in the bargaining unit claimed by either the applicant or the respondent to be appropriate. R.R.O. 1970, Reg. 551, s. 69.

94. The registrar shall immediately notify any trade union or council of trade unions named in the application or reply as claiming, or known to him as claiming, to be the bargaining agent of or to represent any employees who may be affected by the application, that an application with respect to such employees has been made and shall serve upon such trade union or council of trade unions a copy of the application and a notice of application in Form 82. R.R.O. 1970, Reg. 551, s. 70.

95.—(1) A trade union or council of trade unions that is notified under section 94 shall notify the registrar immediately by telegram of its claim and of its intention to intervene in the proceedings.

(2) A trade union or council of trade unions that is served with a notice of application or that claims to represent or to be the bargaining agent of any employees who may be affected by the application shall notify the registrar immediately by telegram of its claim and of its intention to intervene in the proceedings and shall file its intervention, if any, in quadruplicate in Form 83, not later than the terminal date for the application and, if it fails to file such an intervention, it may be deemed by the Board to have abandoned any claim to represent any of the employees who may be affected by the application.

(3) Where the trade union or council of trade unions referred to in subsection (2) claims to be the bargaining agent of any employees who may be affected by the application and is or was recently bound by a collective agreement with the respondent, it shall file a copy of the collective agreement with its intervention. R.R.O. 1970, Reg. 551, s. 71.

96.—(1) A trade union or council of trade unions desiring certification as bargaining agent of employees who may be affected by the application shall file an intervener's application for certification in quadruplicate in Form 84 not later than the terminal date for the application and the intervener's application shall be accompanied by a declaration concerning membership documents in Form 80.

(2) Section 89 does not apply to an intervener's application.

(3) Where the Board so directs, the registrar shall serve the employer with notices of the

intervener's application for posting. R.R.O. 1970, Reg. 551, s. 72.

97. Where a party requests a hearing of the application by the Board, he shall set out in the application, reply or intervention, as the case may be, a concise statement of,

- (a) the material facts upon which he proposes to rely at the hearing;
- (b) the relief to which he claims to be entitled by reason of such facts; and
- (c) the submissions he proposes to make in support of his claim for relief. R.R.O. 1970, Reg. 551, s. 73.

98. Where the Board directs a hearing to inquire into the matters raised in an application, a reply an intervention or a statement of desire filed by an employee or group of employees within the time fixed and in the manner prescribed by these Rules, the registrar shall serve each of the parties and such employee or the representative of such a group of employees with a notice of hearing in Form 79. R.R.O. 1970, Reg. 551, s. 74.

99.—(1) Where the Board directs the taking of a representation vote without directing a hearing of the application, subsection 70 (1) applies with necessary modifications.

(2) Where, following the taking of a representation vote, a statement of desire to make representations is filed with the Board under subsection 70 (1) and the Board directs a hearing, the registrar shall serve each of the parties to the proceedings and each person who has filed a statement with a notice of hearing in Form 79. R.R.O. 1970, Reg. 551, s. 75 (1, 2).

(3) Where, following the filing with the Board of the report of a labour relations officer, the registrar receives a statement of desire to make representations filed in the form and manner required by section 67 and the Board directs a hearing, the registrar shall serve each of the parties to the proceedings with a notice of hearing in Form 79. O. Reg. 676/75, s. 7.

APPLICATIONS FOR ACCREDITATION AND FOR TERMINATION OF ACCREDITATION

GENERAL

100. When an application is made for accreditation or for termination of accreditation, the registrar shall fix a terminal date for the application which shall be not less than five and not more than ten days, as the Board may direct, or such further period as the Board may direct, after,

- (a) the day on which the registrar serves the respondent with the notice of application, where it is served personally; or

- (b) the day immediately following the day on which the registrar mails the notice of application to the respondent, where it is served by mail. O. Reg. 29/71, s. 7, *part, revised*.

101. At such time as may be determined by the Board after the terminal date the registrar shall fix an employer date for the application, which shall be not less than five and not more than ten days, as the Board may direct, or such further period as the Board may direct, after,

- (a) the day on which the registrar serves employers with notices of application and of hearing, where they are served personally; or
- (b) the day immediately following the day on which the registrar mails notices of application and of hearing to employers, where they are served by mail. O. Reg. 29/71, s. 7, *part*.

ACCREDITATION

102. An application for accreditation as bargaining agent shall be made in quadruplicate in Form 85 and shall be accompanied by a copy of the applicant's charter, constitution or by-laws, as the case may be. O. Reg. 29/71, s. 7, *part*.

103.—(1) The registrar shall serve the applicant with a notice of the fixing of the terminal date for the application in Form 86.

(2) The registrar shall serve the respondent with a copy of the application and a notice of application in Form 87. O. Reg. 29/71, s. 7, *part*.

104. The applicant shall, not later than the second day after the terminal date for the application, file a declaration concerning representation documents in Form 88. O. Reg. 29/71, s. 7, *part*.

105. A respondent shall file a reply in quadruplicate in Form 89 not later than the terminal date for the application. O. Reg. 29/71, s. 7, *part*.

106. The registrar shall serve upon any employers' organization, trade union or council of trade unions named in the application or reply as claiming or known to him as claiming to have an interest in the application, a notice of application in Form 90. O. Reg. 29/71, s. 7, *part*.

107. An employers' organization, trade union or council of trade unions that is served with a notice of application or that claims to have an interest in the application, shall file its intervention, if any, in quadruplicate in Form 91 not later than the terminal date for the application and, if it fails to file such an intervention, it may be deemed by the Board to have abandoned any claim to have any interest in the application. O. Reg. 29/71, s. 7, *part*.

108. An applicant shall file the documents upon which it intends to rely to satisfy the Board that each of the employers whom it represents has vested appropriate authority in the applicant employers' organization to enable it to discharge the responsibilities of an accredited bargaining agent not later than the terminal date. O. Reg. 29/71, s. 7, *part*.

109. After the fixing of the employer date the registrar shall serve the applicant, the respondent and any intervener with a notice of hearing in Form 92. O. Reg. 29/71, s. 7, *part*.

110. The registrar shall serve such employers as may be directed by the Board with a notice of application and of hearing in Form 93. O. Reg. 29/71, s. 7, *part*.

111.—(1) An employer who is served with a notice of application and of hearing in Form 93 shall make an employer filing in Form 94, together with the accompanying schedule, not later than the employer date for the application.

(2) An employer who has made an employer filing under subsection (1), may appear at the hearing.

(3) Where an employer filing indicates a desire on the part of the employer to make representations to the Board with respect to the application, the Board may dispose of the application without considering the representations set out in the employer filing of an employer who fails to appear at the hearing without further notice to the employer. O. Reg. 321/73, s. 6.

TERMINATION

112. An application for a declaration of termination of accreditation as bargaining agent shall be made in quadruplicate in Form 95. O. Reg. 29/71, s. 7, *part*.

113.—(1) The registrar shall serve the applicant with a notice of the fixing of the terminal date for the application in Form 86.

(2) The registrar shall serve the respondent with a copy of the application and a notice of application in Form 96. O. Reg. 29/71, s. 7, *part*.

114. The respondent shall file a reply in quadruplicate in Form 97 not later than the terminal date for the application. O. Reg. 29/71, s. 7, *part*.

115. The registrar shall serve the trade union or council of trade unions, as the case may be, with a copy of the application and a notice of application in Form 98. O. Reg. 29/71, s. 7, *part*.

116. A trade union or council of trade unions shall file its intervention, if any, in quadruplicate in Form

91 not later than the terminal date. O. Reg. 29/71, s. 7, *part*.

117. After the fixing of the employer date the registrar shall serve the applicant, the respondent and any intervener with a notice of hearing in Form 92. O. Reg. 29/71, s. 7, *part*.

118. After the fixing of the employer date the registrar shall serve such employers as may be directed by the Board with a notice of application and of hearing in Form 99. O. Reg. 29/71, s. 7, *part*.

119.—(1) An employer who is served with a notice of application and of hearing in Form 99 shall make an employer filing in Form 100, together with the accompanying schedule, not later than the employer date for the application.

(2) An employer who has made an employer filing under subsection (1) may appear at the hearing.

(3) Where an employer filing indicates a desire on the part of the employer to make representations to the Board with respect to the application, the Board may dispose of the application without considering the representations set out in the employer filing of an employer who fails to appear at the hearing without further notice to the employer. O. Reg. 321/73, s. 7.

EVIDENCE AS TO REPRESENTATION

120.—(1) Evidence of representation of an employer by an employers' organization or of objection by employers to accreditation of an employers' organization or to termination of accreditation as bargaining agent or of signification by employers that they no longer wish to be represented by an accredited employers' organization shall not be accepted by the Board on an application for accreditation or for a declaration terminating accreditation as bargaining agent unless the evidence is in writing signed by the employer, or each member of a group of employers, as the case may be, and

- (a) is accompanied by the return mailing address of the person who files such evidence, objection or signification; and
- (b) in the case of evidence of representation or of signification, contains the name, address and telephone number of the employer, the name and telephone number of a person to whom telephone or other inquiries should be addressed and is filed not later than the terminal date for the application; and
- (c) in the case of evidence of objection, contains the name, address and telephone number of each objecting employer, the name of the employers' organization and is filed not later than the employer date for an employer intervention.

(2) No oral evidence of representation by an employers' organization or of objection by employers to accreditation of an employers' organization or to termination of accreditation as bargaining agent or of signification by employers that they no longer wish to be represented by an accredited employers' organization shall be accepted by the Board except to identify and substantiate the written evidence referred to in subsection (1).

(3) Any employer or group of employers affected by an application for accreditation or by an application for a declaration of termination of accreditation as bargaining agent desiring to make representations to the Board in opposition to the application may file a statement in writing of such desire in the form prescribed by subsection (1) not later than the employer date for the application.

(4) An employer or group of employers who has filed a statement of desire in the form and manner prescribed by this section may appear at the hearing.

(5) The Board may dispose of an application without considering the statement of desire of any employer who fails to appear in person or by a representative and adduce evidence that includes testimony in the personal knowledge and observation of the witness as to,

- (a) the circumstances concerning the origination of the statement of desire; and
- (b) the manner in which each signature on the statement of desire was obtained. O. Reg. 29/71, s. 7, *part*.

APPLICATIONS FOR DIRECTION UNDER SECTION 135 OF THE ACT

121.—(1) An application to the Board under section 135 of the Act shall be made in quadruplicate in Form 101.

(2) Section 2 does not apply to applications under subsection (1). O. Reg. 29/71, s. 7, *part*.

122. The registrar shall serve upon the respondent or respondents, as the case may be, a notice of application and of hearing in Form 102 and he shall serve upon the applicant a notice of hearing in Form 8. O. Reg. 29/71, s. 7, *part*.

123. Subject to a direction by the Board under subsection 82 (3), any person who is served with a notice of application shall file a reply in quadruplicate in Form 103, not later than the sixth day after,

- (a) the day on which the registrar served the notice of application where it was served personally; or

- (b) the day immediately following the day on which the registrar mailed the notice of application, where it was served by mail. O. Reg. 29/71, s. 7, *part*.

REFERRAL OF A GRIEVANCE TO THE BOARD UNDER
SECTION 124 OF THE ACT

124. A referral to the Board under section 124 of the Act shall be made in quadruplicate in Form 104. O. Reg. 676/75, s. 8, *part*.

125. The registrar shall serve the applicant with a notice of hearing in Form 8. O. Reg. 676/75, s. 8, *part*.

126. The registrar shall serve the respondent with,

(a) a copy of the referral; and

(b) a notice of referral and of hearing in Form 105. O. Reg. 676/75, s. 8, *part*.

127. Where a referral is made, the Board may appoint a labour relations officer to confer with the par-

ties and to endeavour to effect a settlement before the hearing. O. Reg. 676/75, s. 8, *part*.

128.—(1) The respondent shall file a reply in quadruplicate in Form 107 not later than the sixth day after,

(a) the day on which the registrar serves the respondent with the notice of referral, where it is served personally; or

(b) the day immediately following the day on which the registrar mails the notices of referral to the respondent, where it is served by mail.

(2) The reply shall be accompanied by a copy of the existing or recently expired collective agreement that is or was binding upon the respondent and the applicant. O. Reg. 676/75, s. 8, *part*.

129. The registrar shall serve upon any person named in the referral or reply as a person who may be affected by a determination by the Board a copy of the referral and a notice of referral in Form 106. O. Reg. 676/75, s. 8, *part*.

Form 1

*Labour Relations Act*APPLICATION FOR CERTIFICATION
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

The applicant applies to the Ontario Labour Relations Board for certification as bargaining agent of the employees of the respondent in a unit that it claims to be appropriate for collective bargaining.

The applicant states:

1. (a) address of applicant:

(b) address of applicant for service:

(c) address of respondent:

*Strike out
if not
applicable.*2. (Where the applicant is a council of trade unions)
The name and address of each constituent union of the council of trade unions that is the applicant:

3. Detailed description of the unit of employees of the respondent that the applicant claims to be appropriate for collective bargaining, including the municipality or other geographic area affected:

4. Approximate number of employees in the unit described in paragraph 3:

5. The name and address of any trade union or council of trade unions known to the applicant as claiming to be the bargaining agent of, or as claiming to represent, any employees who may be affected by this application:

6. The applicant ^{* does} request that a pre-hearing representation vote be taken in this matter among the employees in such voting constituency as the Board determines.
^{*does not}N.B. *This application will be processed without a pre-hearing representation vote being taken, unless the applicant clearly indicates that it DOES request a pre-hearing representation vote by striking out the words "does not" in paragraph 6.*

7. Other relevant statements (attach additional pages if necessary):

DATED at this day of, 19....

.....
(signature for the applicant)

NOTE

If an application for certification is made under section 8 of the Act or if section 8 is invoked during the processing of an application for certification, the particulars upon which an applicant intends to rely in support thereof must be supplied in accordance with section 72 of the Board's Rules of Procedure.

FILE NO.

Form 2

Labour Relations Act

NOTICE OF FIXING OF TERMINAL DATE AND OF HEARING
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

—and—

Respondent.

TO THE APPLICANT,

1. TAKE NOTICE that, in accordance with the Board's direction, I have fixed the.....day of
....., 19...., as the terminal date for this application.

2. Your attention is directed to subsections 73 (1) and (2) of the Board's Rules, which read as follows:

(1) Evidence of membership in a trade union or of objection by employees to certification of a trade union or of signification by employees that they no longer wish to be represented by a trade union shall not be accepted by the Board on an application for certification or for a declaration terminating bargaining rights unless the evidence is in writing, signed by the employee or each member of a group of employees, as the case may be, and,

(a) is accompanied by,

(i) the return mailing address of the person who files the evidence, objection or signification, and

(ii) the name of the employer; and

(b) is filed not later than the terminal date for the application.

(2) No oral evidence of membership in a trade union or of objection by employees to certification of a trade union or of signification by employees that they no longer wish to be represented by a trade union shall be accepted by the Board except to identify and substantiate the written evidence referred to in subsection (1).

3. AND FURTHER TAKE NOTICE that the hearing of the application by the Board will take place at the Board Room, 400 University Avenue, Toronto, Ontario, on day, the day of
....., 19...., at.....o'clock in the.....noon.

4. THE PURPOSE OF THE HEARING IS.....
.....
.....

5. IF YOU DO NOT ATTEND AT THE HEARING, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

Dated this..... day of....., 19....

.....
Registrar, Ontario Labour
Relations Board.

O. Reg. 321/73, s. 8, *part.*

FILE NO.

Form 3

*Labour Relations Act*NOTICE OF FIXING TERMINAL DATE
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

TO THE APPLICANT,

1. TAKE NOTICE that, in accordance with the Board's direction, I have fixed theday of
....., 19...., as the terminal date for this application.

2. Your attention is directed to subsections 73 (1) and (2) of the Board's Rules of Procedure, which read as follows:

- (1) Evidence of membership in a trade union or of objection by employees to certification of a trade union or of signification by employees that they no longer wish to be represented by a trade union shall not be accepted by the Board on an application for certification or for a declaration terminating bargaining rights unless the evidence is in writing, signed by the employee or each member of a group of employees, as the case may be, and,

(a) is accompanied by,

- (i) the return mailing address of the person who files the evidence, objection or signification, and

(ii) the name of the employer; and

(b) is filed not later than the terminal date for the application.

- (2) No oral evidence of membership in a trade union or of objection by employees to certification of a trade union or of signification by employees that they no longer wish to be represented by a trade union shall be accepted by the Board except to identify and substantiate the written evidence referred to in subsection (1).

Dated thisday of, 19....

.....
Registrar,
Ontario Labour Relations Board

O. Reg. 321/73, s. 8, *part*.

FILE NO.

Form 4

*Labour Relations Act*NOTICE OF APPLICATION FOR CERTIFICATION AND OF HEARING
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

TO THE RESPONDENT,

1. TAKE NOTICE that the applicant, on....., 19...., made an application to the Ontario Labour Relations Board for certification as bargaining agent of your employees in a bargaining unit claimed by the applicant to be appropriate and set out in the attached copy of the application.

2. You are required to post the enclosed Notices to Employees of Application for Certification and of Hearing (Form 6), immediately. These notices are to be posted in conspicuous places where they are most likely to come to the attention of all employees who may be affected by the application. You shall keep them posted upon your premises until the close of business on the terminal date set out in paragraph 4.

3. You shall complete and send to the Board immediately the Return of Posting (Form 74), which is attached hereto.

4. The terminal date fixed for this application as directed by the Board is the.....day of , 19....

5. You shall send to the Board your reply as well as the material listed below so that,

- (a) it is received by the Board not later than the terminal date shown in paragraph 4; or
- (b) if it is mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario, M7A 1V4, it is mailed not later than the terminal date shown in paragraph 4:

- 1. A list arranged as in the Schedules attached hereto of all employees in the bargaining unit described in the application as atthe date when the applicant's application was made
- 2. Documents from among existing employment records, containing signatures of the employees whose names appear on the list referred to above arranged in alphabetical order.

6. If, in your reply, you propose a bargaining unit different from the one proposed by the applicant, you shall indicate on the list of employees referred to in paragraph 5 the name and classification of any person you propose should be excluded from, as well as the name and classification of any person you propose should be added to, the bargaining unit proposed by the applicant and you shall forward to the Board appropriate documents containing the signatures of additional persons, if any.

7. You shall verify the list of employees by adding thereto the following statement:

"This list has been prepared by me or under my instruction and I hereby confirm the accuracy thereof".

.....
signature

8. If you fail to file the list of employees and documents containing signatures as set out above, the Board may proceed to dispose of the application on the evidence before it without further notice to you.

9. (Where the applicant is a council of trade unions) AND FURTHER TAKE NOTICE that the applicant has filed with the Registrar certain documents upon which it intends to rely to satisfy the Board that each of the trade unions that is a constituent union of the council has vested appropriate authority in the council to enable it to discharge the responsibilities of a bargaining agent. These documents are available for inspection at the offices of the Board, 400 University Avenue, Toronto 1, Ontario, during business hours.

10. AND FURTHER TAKE NOTICE that the hearing of the application by the Board will take place at the Board Room at 400 University Ave., Toronto, Ontario on the day of, 19...., at o'clock in thenoon.

11. THE PURPOSE OF THE HEARING is to hear the evidence and representations of the parties with respect to all matters arising out of and incidental to, the application referred to in paragraph 1.

12. IF YOU DO NOT ATTEND AT THE HEARING, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

DATED this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board

SCHEDULE A

List (alphabetically arranged) of all employees in the bargaining unit described in the application of the applicant as at the.....day of....., 19.... (Do not include the names of employees that appear in B, C or D)

Name	Occupational Classification
1.	
2.	
3.	
4.	
5.	

SCHEDULE B

List (alphabetically arranged) of all employees regularly employed for not more than twenty-four hours per week in the bargaining unit described in the application of the applicant as at the..... day of....., 19....

Name	Occupational Classification
1.	
2.	
3.	
4.	
5.	

SCHEDULE C

List (alphabetically arranged) of all employees who were not actually at work on the.....day of
....., 19...., by reason of lay-off, in the bargaining unit described in the application
of the applicant as at the.....day of....., 19....

Name	Occupational Classification	Date of Lay-off	Expected Date of Recall
1.			
2.			
3.			
4.			
5.			

SCHEDULE D

List (alphabetically arranged) of all employees not previously shown who were not at work on the.....
day of....., 19...., in the bargaining unit described in the application of the
applicant as at the.....day of....., 19....

Name	Occupational Classification	Last Day Worked	Reason for Absence	Expected Date of Return
1.				
2.				
3.				
4.				
5.				

FILE NO.

Form 5

*Labour Relations Act*NOTICE OF APPLICATION FOR CERTIFICATION AND REQUEST FOR
PRE-HEARING VOTE
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

—and—

Respondent.

TO THE RESPONDENT,

1. TAKE NOTICE that the applicant, on, 19...., made an application to the Ontario Labour Relations Board for certification as bargaining agent of your employees in a bargaining unit described in the attached copy of the application.

2. AND TAKE NOTICE that the applicant has requested that a pre-hearing representation vote be taken in this matter among your employees in such voting constituency as the Board may determine.

3. You are required to post the enclosed Notices to Employees of Application (Form 7), immediately. These notices are to be posted in conspicuous places where they are most likely to come to the attention of all employees who may be affected by the application. You shall keep them posted upon your premises until the close of business on the terminal date shown in paragraph 5.

4. You shall complete and send to the Board immediately the Return of Posting (Form 74,) which is attached hereto.

5. The terminal date fixed for the application as directed by the Board is the..... day of, 19....

6. You shall send to the Board your reply so that,

- (a) it is received by the Board not later than the terminal date shown in paragraph 5; or
- (b) if it is mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario, M7A 1V4, it is mailed not later than the terminal date shown in paragraph 5.

7. You shall prepare and have the following material available on or before the.....day of, 19...., for the Examiner whom the Board will appoint in this application:

- i. A list arranged as in the Schedules attached hereto of all employees in the bargaining unit described in the application as at, the date when the applicant's application was made.
- ii. Documents from among existing employment records containing signatures of the employees whose names appear on the list referred to above, arranged in alphabetical order.

8. If, in your reply, you propose a bargaining unit different from the one proposed by the applicant, you shall indicate on the list of employees referred to in paragraph 7 the name and classification of any person you propose should be excluded from, as well as the name and classification of any person you propose should be added to, the bargaining unit proposed by the applicant and you shall have available for the Examiner appropriate documents containing the signatures of additional persons, if any.

9. You shall verify the list of employees by adding thereto the following statement:

“This list has been prepared by me or under my instruction and I hereby confirm the accuracy thereof.”

.....
(signature)

10. If you fail to make available to the Examiner a list of employees and documents containing signatures as set out above, the Board may proceed to dispose of the application on the evidence before it without further notice to you.

11. (Where the applicant is a council of trade unions) AND FURTHER TAKE NOTICE that the applicant has filed with the Registrar certain documents upon which it intends to rely to satisfy the Board that each of the trade unions that is a constituent union of the council has vested appropriate authority in the council to enable it to discharge the responsibilities of a bargaining agent. These documents are available for inspection at the offices of the Board, 400 University Avenue, Toronto, Ontario, during business hours.

DATED this.....day of....., 19....

.....
Registrar

SCHEDULE A

List (alphabetically arranged) of all employees in the bargaining unit described in the application of the applicant as at the.....day of....., 19.... (Do not include the names of employees that appear in B, C or D.)

Name	Occupational Classification
1.	
2.	
3.	
4.	
5.	

SCHEDULE B

List (alphabetically arranged) of all employees regularly employed for not more than twenty-four hours per week in the bargaining unit described in the application of the applicant as at the.....day of....., 19....

Name	Occupational Classification
1.	
2.	
3.	
4.	
5.	

SCHEDULE C

List (alphabetically arranged) of all employees who were not actually at work on the.....day of....., 19...., by reason of lay-off, in the bargaining unit described in the application of the applicant as at the.....day of....., 19....

Name	Occupational Classification	Date of Lay-off	Expected Date of Recall
1.			
2.			
3.			
4.			
5.			

SCHEDULE D

List (alphabetically arranged) of all employees not previously shown who were not at work on theday of....., 19...., in the bargaining unit described in the application of the applicant as at the.....day of....., 19....

Name	Occupational Classification	Last Day Worked	Reason for Absence	Expected Date of Return
1.				
2.				
3.				
4.				
5.				

R.R.O. 1970, Reg. 551, Form 4; O. Reg. 474/71, s. 1.

FILE NO.

Form 6

Labour Relations Act

NOTICE TO EMPLOYEES OF APPLICATION FOR CERTIFICATION
AND OF HEARING
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

— and —

Applicant,

Respondent.

TO THE EMPLOYEES OF

1. TAKE NOTICE that the applicant, on....., 19...., made an application to the Ontario Labour Relations Board for certification as bargaining agent of.....
.....in the following bargaining unit claimed by the applicant to be appropriate:
.....
.....

2. Your attention is directed to the following information contained in the application:

3. The terminal date fixed for this application as directed by the Board is the.....day of
....., 19....

4. Any employee or group of employees affected by the application and desiring to make representations to the Board in opposition to this application must send to the Board a statement in writing of such desire, which shall,

(a) contain the return mailing address of the employee or representative of a group of employees;

(b) contain the name of the employer concerned; and

(c) be signed by the employee or each member of a group of employees.

5. The statement of desire must be,

(a) received by the Board not later than the terminal date shown in paragraph 3; or

(b) if it is mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario, M7A 1V4, mailed not later than the terminal date shown in paragraph 3.

6. A statement of desire that does not comply with paragraphs 4 and 5 will not be accepted by the Board.

7. Any employee, or group of employees, who has informed the Board in writing of his or their desire in accordance with paragraphs 4 and 5 may attend and be heard at the hearing in person or by a representative. Any employee or representative who appears at the hearing will be required to testify, or produce a witness or witnesses who will be able to testify from his or their personal knowledge and observation, as to (a) the circumstances concerning the origination of the material filed, and (b) the manner in which each of the signatures was obtained.

THE BOARD MAY DISPOSE OF THE APPLICATION WITHOUT CONSIDERING THE STATEMENT OF DESIRE OF ANY PERSON WHO FAILS TO ATTEND.*

8. No oral evidence of membership in a trade union, or of objection by employees to certification of the applicant will be accepted by the Board except to identify and substantiate such written evidence.

9. AND FURTHER TAKE NOTICE that the hearing of the application by the Board will take place at the Board Room, 400 University Avenue, Toronto, Ontario, on day, the day of
....., 19...., at.....o'clock in the.....noon.

10. THE PURPOSE OF THE HEARING is to hear the evidence and representations of the parties with respect to all matters arising out of and incidental to, the application referred to in paragraph 1.

11. IF YOU DO NOT ATTEND AT THE HEARING, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

DATED this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board.

NOTE: Any communication with respect to this application should be addressed to:

The Registrar,
Ontario Labour Relations Board,
400 University Avenue,
Toronto, Ontario M7A 1V4

*EXPLANATORY NOTE: Where employees fail to attend in person or by a representative or to testify or produce witnesses to testify as provided in paragraph 7 above, the Board normally does not accept the statement of desire as casting doubt on the evidence of membership filed by the applicant.

O. Reg. 321/73, s. 8, *part*.

FILE NO.....

Form 7

Labour Relations Act

NOTICE TO EMPLOYEES OF APPLICATION
AND REQUEST FOR PRE-HEARING VOTE
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

TO THE EMPLOYEES OF

1. TAKE NOTICE that the applicant, on....., 19...., made an application to the Ontario Labour Relations Board for certification as bargaining agent of.....in the following bargaining unit:
2. Your attention is directed to the following information contained in the application:
3. AND TAKE NOTICE that the applicant has requested that a pre-hearing representation vote be taken in this matter among the employees in such voting constituency as the Board may determine.
4. If the Board grants the request of the applicant that a pre-hearing vote be taken, appropriate notices will be posted indicating the time when and the place where the vote will be taken and the classes of employees who are eligible to vote. If the Board denies the request of the applicant that a pre-hearing representation vote be taken, further notices will be posted advising you as to the manner in which the Board will then deal with the application.

5. (Where the applicant is a council of trade unions) AND FURTHER TAKE NOTICE that the applicant has filed with the Registrar certain documents upon which it intends to rely to satisfy the Board that each of the trade unions that is a constituent union of the council has vested appropriate authority in the council to enable it to discharge the responsibilities of a bargaining agent. These documents are available for inspection at the offices of the Board, 400 University Avenue, Toronto, Ontario, during business hours.

DATED this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board.

NOTE: Any communication with respect to this application should be addressed to:

The Registrar, Ontario Labour Relations Board,
400 University Avenue, Toronto, Ontario M7A 1V4.

R.R.O. 1970, Reg. 551, Form 6; O. Reg. 474/71, s. 1.

FILE NO.

Form 8.

Labour Relations Act

NOTICE OF HEARING
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent,

— and —

Intervener.

TO:

- 1. TAKE NOTICE of the hearing by the Board for THE PURPOSE OF.....
.....
- 2. AND FURTHER TAKE NOTICE that the hearing will take place at the Board Room, 400 University Avenue, Toronto, Ontario, on day, the day of, 19....
at o'clock in the noon.

3. IF YOU DO NOT ATTEND AT THE HEARING, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

DATED this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board.

FILE NO.

Form 9

Labour Relations Act

DECLARATION CONCERNING MEMBERSHIP DOCUMENTS
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent,

—and—

Intervener.

I, _____, the _____ of _____
(name) (office)

*Strike out word not applicable.

the *applicant
*intervener herein, declare that, to the best of my knowledge, information and belief:

1. The documents submitted in support of the application represent documentary evidence of membership on behalf of.....persons who were employees of the respondent (number) in the bargaining unit that the *applicant *intervener herein claims to be appropriate for collective bargaining, on the date of the making of the application.
2. There were.....persons who were employees of the respondent in the bargaining (number) unit that the *applicant *intervener herein claims to be appropriate for collective bargaining on the date of the making of the application.
3. (Where the documentary evidence consists in part of receipts or other acknowledgments of the payment on account of dues or initiation fees) On the basis of my personal knowledge and inquiries that I have made, I state that the persons whose names appear on the receipts or other acknowledgments of the payment on account of dues or initiation fees are the persons who actually collected the moneys paid on account of dues or initiation fees and that each member, on whose behalf a receipt or an acknowledgment of payment is submitted has personally paid in money the amount shown thereon on his own behalf to the person whose name appears on his receipt or acknowledgment of payment as collector, EXCEPT IN THE FOLLOWING INSTANCES:

DATED at.....,this.....day of....., 19....

(signature)

FILE NO.

Form 10

Labour Relations Act

REPLY TO APPLICATION FOR CERTIFICATION
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

The respondent replies to the application for certification as follows:

The respondent states:

1. (a) correct name of respondent:
(b) address of respondent:
(c) address of respondent for service:
2. General nature of the respondent's business:
3. Total number of employees of the respondent on the payroll of the plant(s) or establishment(s) in respect of which the application for certification has been made:
4. Number of employees in the unit described by the applicant as being appropriate for collective bargaining as of the date the application was made:
5. Detailed description of the unit claimed by the respondent to be appropriate for collective bargaining, including the municipality or other geographic area affected:
6. Number of employees in the unit claimed by the respondent to be appropriate for collective bargaining as of the date the application was made:
7. The name and address of any trade union known to the respondent as claiming to be the bargaining agent of or to represent any employees who may be affected by the application:
8. The date of any certification of a bargaining agent of any employees who may be affected by the application:

*Strike out
if not
applicable.

- *9. The respondent is or was a party to or bound by a collective agreement, a copy of which is enclosed, with a trade union or council of trade unions that,
 - (a) was signed on the day of, 19....;
 - (b) became effective on the day of, 19....; and
 - (c) contains the following provision relating to its termination or renewal:
10. Other relevant statements (attach additional pages if necessary):

DATED at, this day of, 19....

.....
(signature for the respondent)

FILE NO.

Form 11

*Labour Relations Act*NOTICE OF APPLICATION
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

—and—

Respondent.

To:

1. TAKE NOTICE that the applicant, on, 19..., made to the Ontario Labour Relations Board an application for certification as bargaining agent of the employees of the respondent in a bargaining unit described in the attached copy of the application.

2. AND FURTHER TAKE NOTICE that if you claim to represent any of the employees affected by the application, you shall send to the Board your intervention thereon so that,

(a) it is received by the Board; or

(b) if mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario, M7A 1V4 it is mailed,

not later than the terminal date fixed for this application as directed by the Board, which terminal date is the.....day of....., 19..., and that if you fail so to send an

intervention not later than the.....day of....., 19..., you may be deemed by the Board to have abandoned your claim, if any, to represent any of the employees who may be affected by the application.

3. (Where the applicant is a council of trade unions) AND FURTHER TAKE NOTICE that the applicant has filed with the Registrar certain documents upon which it intends to rely to satisfy the Board that each of the trade unions that is a constituent union of the council has vested appropriate authority in the council to enable it to discharge the responsibilities of a bargaining agent. These documents are available for inspection at the offices of the Board, 400 University Avenue, Toronto, Ontario, during business hours.

DATED this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board.

FILE NO.

Form 12

Labour Relations Act

INTERVENTION
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

—and—

Respondent.

.....intervenes
(name of intervener)

in this proceeding.

The intervener states:

- 1. (a) address of intervener:
- (b) address of intervener for service:

*Strike out
if not
applicable.

- *2. The intervener is a trade union or council of trade unions that,
 - *(a) represents employees; or
 - *(b) is the bargaining agent of employees who may be affected by the application,

OR

- *3. The intervener is the employer of the employees affected by this application.
- *4. The intervener submits with this intervention the following documentary evidence:
- 5. The intervener desires to make the following submissions: (attach additional pages if necessary)

DATED at....., this.....day of....., 19....

.....
(signature for the intervener)

FILE NO.

Form 13

*Labour Relations Act*APPLICATION FOR CERTIFICATION BY INTERVENER
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

—and—

Respondent,

—and—

Intervener.

The intervener applies to the Ontario Labour Relations Board for certification as bargaining agent of the employees of the respondent in a unit that it claims to be appropriate for collective bargaining.

The intervener states:

1. (a) address of intervener:

(b) address of intervener for service:

*Strike out
if not
applicable

*2. (Where the intervener is a council of trade unions) The name and address of each constituent union of the council of trade unions that is the intervener:

3. Detailed description of the unit of employees of the respondent that the intervener claims to be appropriate for collective bargaining, including the municipality or other geographic area affected:

4. Approximate number of employees in the unit described in paragraph 3:

5. The intervener ^{*does} request that a pre-hearing representation vote be taken among the employees in such voting constituency as the Board may determine.

6. Other relevant statements (attach additional pages if necessary):

DATED at, this day of, 19....

.....
(signature for the intervener)

R.R.O. 1970, Reg. 551, Form 12.

Form 14

Labour Relations Act

APPLICATION FOR RIGHT OF ACCESS
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

— and —

Applicant,

Respondent.

The applicant requests that the Board issue a direction granting to a representative of the applicant a right of access to the respondent's property.

The applicant states:

1. (a) name of applicant:
(b) address of applicant:
(c) address of applicant for service:
(d) name of respondent:
(e) address of respondent:
2. (1) The applicant is a trade union.

*Strike out
if not
applicable

- * (2) The employees of the respondent reside on the property of the said respondent.

OR

- * (3) The employees of the respondent reside on property to which the respondent has the right to control access.
- (4) The applicant is attempting to persuade employees of the respondent to become members of the applicant union.
3. (1) The property to which access is requested is situated at:
(2) The employees in question reside in:
(describe type and location of residence)
 4. The name of the applicant's representative to whom a right of access is to be given is:
 5. Other relevant statements: (attach additional pages if necessary)

DATED at, this day of, 19.....

.....
signature for the applicant

4. THE PURPOSE OF THE HEARING is to hear the evidence and representations of the parties with respect to all matters arising out of and incidental to, the application referred to in paragraph 1.

5. IF YOU DO NOT ATTEND AT THE HEARING, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

DATED this day of, 19....

.....
Registrar,
Ontario Labour Relations Board.

O. Reg. 321/73, s. 9.

Form 16.

FILE NO.

Labour Relations Act

**REPLY TO APPLICATION FOR RIGHT OF ACCESS
BEFORE THE ONTARIO LABOUR RELATIONS BOARD**

Between:

Applicant,

— and —

Respondent.

The respondent replies to the application for a right of access as follows:

1. (a) correct name of respondent:
(b) address of respondent:
(c) address of respondent for service:
2. (1) The respondent ^{*is} the owner of the land upon which the employees reside.
 ^{*is not}
(2) The respondent ^{*does} have the right to control access to the property on which the employees reside.
 ^{*does not}
3. ^{*Strike out if not applicable} (1) The respondent consents to the application being disposed of by the Board without a hearing by the Board:

OR

- (2) The respondent consents to the application being disposed of by the Board without a hearing but wishes the Board to consider the following representations (use additional pages if necessary):

OR

- (3) The respondent requests a hearing of the application by the Board and undertakes to attend a hearing of the Board for this purpose. The respondent desires to make the following representations at the hearing (use additional pages if necessary):

DATED at, this day of, 19...

.....
(signature for the respondent)

O. Reg. 29/71, s. 8, *part*.

Form 17

Labour Relations Act

APPLICATION FOR DECLARATION
 TERMINATING BARGAINING RIGHTS
 BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

—and—

Respondent.

The applicant applies to the Ontario Labour Relations Board under section..... of
 (57, 58, 59 or 60)
 the Act for a declaration that the respondent no longer represents the employees in the bargaining unit for which
 it is the bargaining agent.

The applicant states:

1. (a) address of applicant:

(b) address of applicant for service:

(c) address of respondent:

*To be
 completed if
 applicant is
 not employer

*2. (a) name of employer of employees affected by the application:

(b) address of employer:

3. Detailed description and geographic location of the unit of employees for which the
 respondent is the bargaining agent, including the municipality or other geographic area
 affected:

4. Approximate number of employees in the unit described in paragraph 3:

5. Other relevant statements (attach additional pages if necessary):

*Strike out
 this para-
 graph if not
 applicable.

(Where the application is made under section 57 of the Act.) The applicant submits with
 the application the document or documents by which employees in the bargaining unit have
 voluntarily signified in writing that they no longer wish to be represented by the
 respondent.

DATED at, this day of, 19....

.....
 (signature for the applicant)

R.R.O. 1970, Reg. 551, Form 13.

FILE NO.

Form 18

Labour Relations Act

NOTICE OF APPLICATION FOR DECLARATION
TERMINATING BARGAINING RIGHTS AND OF HEARING
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

TO THE RESPONDENT,

1. TAKE NOTICE that the applicant, on....., 19...., made an application to the Ontario Labour Relations Board for a declaration that the respondent no longer represents the employees of.....in the bargaining unit described in the attached copy of the application.

2. The terminal date fixed for the application as directed by the Board is the.....day of, 19....

3. You shall send to the Board your reply so that,

- (a) it is received by the Board not later than the terminal date shown in paragraph 2; or
- (b) if it is mailed by registered mail addressed to the Board at its office, 400 University Ave., Toronto, Ontario, M7A 1V4, it is mailed not later than the terminal date shown in paragraph 2.

4. If you fail to send your reply on or before the terminal date shown in paragraph 2, the Board may dispose of the application on the evidence and representations placed before it by the applicant.

5. AND FURTHER TAKE NOTICE that the hearing of the application by the Board will take place at the Board Room, 400 University Avenue, Toronto, Ontario, on day, the day of, 19...., at o'clock in the noon.

6. THE PURPOSE OF THE HEARING is to hear the evidence and representations of the parties with respect to all matters arising out of and incidental to, the application referred to in paragraph 1.

7. IF YOU DO NOT ATTEND AT THE HEARING, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

DATED this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board.

FILE NO.

Form 19

Labour Relations Act

NOTICE TO EMPLOYEES OF APPLICATION FOR
DECLARATION TERMINATING BARGAINING RIGHTS AND OF HEARING
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

TO THE EMPLOYEES OF

1. TAKE NOTICE that the applicant, on....., 19...., made to the Ontario Labour Relations Board an application for a declaration that the respondent no longer represents the employees of.....in the following bargaining unit:

2. Your attention is directed to the following information contained in the application:

3. The terminal date fixed for this application as directed by the Board is the.....day of
....., 19....

4. Any employee or group of employees affected by the application and desiring to make representations to the Board in opposition to this application must send to the Board a statement in writing of such desire, which must,

- (a) contain the return mailing address of the employee or representative of a group of employees;
- (b) contain the name of the employer concerned; and
- (c) be signed by the employee or each member of a group of employees.

5. The statement of desire must,

- (a) be received by the Board not later than the terminal date shown in paragraph 3; or
- (b) if it is mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario, M7A 1V4, be mailed not later than the terminal date shown in paragraph 3.

6. A statement of desire that does not comply with paragraphs 4 and 5 will not be accepted by the Board.

7. Any employee or group of employees, who has informed the Board in writing of his or their desire in accordance with paragraphs 4 and 5 may attend and be heard at the hearing in person or by a representative. Any employee or representative who appears at the hearing will be required to testify from his or their personal knowledge and observation, as to (a) the circumstances concerning the origination of the material filed, and (b) the manner in which each of the signatures was obtained.

THE BOARD MAY DISPOSE OF THE APPLICATION WITHOUT CONSIDERING THE STATEMENT OF DESIRE OF ANY PERSON WHO FAILS TO ATTEND.*

8. AND FURTHER TAKE NOTICE that the hearing of the application by the Board will take place at the Board Room, 400 University Avenue, Toronto, Ontario, on day, the day of, 19, at o'clock in the noon.

9. THE PURPOSE OF THE HEARING is to hear the evidence and representations of the parties with respect to all matters arising out of and incidental to, the application referred to in paragraph 1.

10. IF YOU DO NOT ATTEND AT THE HEARING, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

DATED this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board.

NOTE: Any communication with respect to this application should be addressed to:

The Registrar,
Ontario Labour Relations Board,
400 University Avenue,
Toronto, Ontario M7A 1V4

*EXPLANATORY NOTE: Where employees fail to attend in person or by a representative or to testify or produce witnesses to testify as provided in paragraph 7 above, the Board normally does not accept the statement of desire as casting doubt on the evidence filed by the applicant.

O. Reg. 321/73; s. 10, *part*.

Form 20

FILE NO.....

Labour Relations Act

REPLY TO APPLICATION FOR DECLARATION TERMINATING BARGAINING RIGHTS BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

— and —

Applicant,

Respondent.

The respondent replies to the application for a declaration that the respondent no longer represents the employees in the bargaining unit for which it is the bargaining agent as follows:

The respondent states:

1. (a) correct name of respondent:
- (b) address of respondent:
- (c) address of respondent for service:

*To be
completed if
applicant is
not the
employer.

- *2. (a) name of employer of employees affected by the application:
- (b) address of employer:

3. Detailed description of the unit of employees for which the respondent is the bargaining agent, including the municipality or other geographic area affected:

4. Approximate number of employees in the unit as of the date the application was made.
5. The date of certification, if any, of the respondent as bargaining agent of the employees in the unit:

- *Strike out if not applicable
- *6. The respondent is or was a party to or bound by a collective agreement, a copy of which is enclosed herewith, with.....that,
(name of employer)
- (a) was signed on the day of, 19....
- (b) became effective on the day of, 19....; and
- (c) contains the following provision relating to its termination or renewal:

7. Other relevant statements (attach additional pages if necessary):

DATED at, this day of, 19....

.....
(signature for the respondent)

R.R.O. 1970, Reg. 551, Form 16.

FILE NO.

Form 21

Labour Relations Act

NOTICE OF APPLICATION FOR DECLARATION
TERMINATING BARGAINING RIGHTS AND OF HEARING
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

TO:

1. TAKE NOTICE that the applicant, on....., 19...., made an application to the Ontario Labour Relations Board for a declaration that the respondent no longer represents the employees of.....in the bargaining unit described in the attached copy of the application.

2. You are required to post the enclosed notices to employees of application and of hearing (Form 19) immediately. These notices are to be posted in conspicuous places where they are most likely to come to the attention of all employees who may be affected by the application. You shall keep them posted upon your premises until the terminal date for the application shown in paragraph 4.

3. You are required to complete and send to the Board the Return of Posting (Form 74) which is attached hereto.

4. The terminal date fixed for this application as directed by the Board is the.....day of
....., 19....

5. You shall send to the Board your intervention to this application as well as the material listed below so that,

- (a) it is received by the Board not later than the terminal date shown in paragraph 4; or
- (b) if it is mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario, M7A 1V4, it is mailed not later than the terminal date shown in paragraph 4.

- i. A list arranged as in the Schedules attached hereto of all employees in the bargaining unit described in the application as at, 19...., the date when the applicant's application was made,
- ii. Documents from among existing employment records containing signatures of the employees whose names appear on the list referred to above, also arranged in alphabetical order.

6. You will verify the lists of employees by adding thereto the following statement :

"This list has been prepared by me or under my instruction and I hereby confirm the accuracy thereof."

.....
(signature)

7. If you fail to file the list of employees and documents containing signatures as set out above, the Board may proceed to dispose of the case on the evidence before it without further notice to you.

8. AND FURTHER TAKE NOTICE that the hearing of the application by the Board will take place at the Board Room, 400 University Avenue, Toronto, Ontario, on day, the day of
....., 19...., at o'clock in the noon.

9. THE PURPOSE OF THE HEARING is to hear the evidence and representations of the parties with respect to all matters arising out of and incidental to, the application referred to in paragraph 1.

10. IF YOU DO NOT ATTEND AT THE HEARING, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

DATED this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board.

SCHEDULE A

List (alphabetically arranged) of all employees in the bargaining unit described in the application of the applicant as at the.....day of....., 19.... (Do not include the names of employees that appear in B, C or D)

Name	Occupational Classification
1.	
2.	
3.	
4.	
5.	

SCHEDULE B

List (alphabetically arranged) of all employees regularly employed for not more than twenty-four hours per week in the bargaining unit described in the application of the applicant as at theday of....., 19....

Name	Occupational Classification
1.	
2.	
3.	
4.	
5.	

SCHEDULE C

List (alphabetically arranged) of all employees who were not actually at work on the.....day of , 19...., by reason of lay-off, in the bargaining unit described in the application of the applicant as at the.....day of....., 19....

Name	Occupational Classification	Date of Lay-off	Expected Date of Recall
1.			
2.			
3.			
4.			
5.			

SCHEDULE D

List (alphabetically arranged) of all employees not previously shown who were not at work on theday of....., 19...., in the bargaining unit described in the application of the applicant as at the.....day of....., 19....

Name	Occupational Classification	Last Day Worked	Reason for Absence	Expected Date of Return
1.				
2.				
3.				
4.				
5.				

O. Reg. 321/73, s. 10, *part*.

Form 22

Labour Relations Act

APPLICATION FOR DECLARATION CONCERNING STATUS
OF SUCCESSOR TRADE UNION
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

—and—

Respondent.

The applicant applies to the Ontario Labour Relations Board under section 62 of the Act for a declaration that.....
(name of trade union claiming to be the successor)

*Strike out if not applicable *has (*or has not) acquired the rights, privileges and duties of its predecessor.....
.....by reason of a merger, amalgamation or a transfer of jurisdiction.
(name of predecessor trade union)

The applicant states:

1. (a) address of applicant:
 (b) address of applicant for service:
 (c) address of respondent:
2. Last known address of predecessor trade union:
3. (a) name of employer of employees affected by the application:
 (b) address of employer:
4. Detailed description of the unit of employees for which the predecessor was the bargaining agent, including the municipality or other geographic area affected:

5. Approximate number of employees in the unit described in paragraph 4:
- *6. The date of the certification, if any, of the predecessor as bargaining agent of the employees in the unit:
- *7. The predecessor trade union and the employer are or were parties to or bound by a collective agreement that,
- (a) was signed on the.....day of....., 19.....;
- (b) became effective on the.....day of....., 19.....;
- (c) contains the following provision relating to its termination or renewal:
8. The material facts upon which the applicant intends to rely to establish its request for a declaration (attach additional pages if necessary):
9. Other relevant statements (attach additional pages if necessary):
10. * (1) The applicant consents to the declaration requested being made without a hearing by the Board;

OR

- * (2) The applicant consents to the disposition of the application without a hearing by the Board and makes the following representations thereon (attach additional pages if necessary);

OR

- * (3) The applicant requests a hearing of the application by the Board and undertakes to attend a hearing of the Board for this purpose. The applicant states in support of such request as follows (attach additional pages if necessary):

DATED at....., this.....day of....., 19.....

.....
signature for the applicant

R.R.O. 1970, Reg. 551, Form 18.

FILE NO.....

Form 23*Labour Relations Act*

**NOTICE OF MAKING OF APPLICATION FOR DECLARATION CONCERNING STATUS
OF SUCCESSOR TRADE UNION
BEFORE THE ONTARIO LABOUR RELATIONS BOARD**

Between:

Applicant,

— and —

Respondent.

TO:

1. TAKE NOTICE that the applicant, on....., 19...., filed with the Ontario Labour Relations Board an application, a copy of which is attached, for a declaration that.....
(name of trade union claiming to be the successor)

*Strike out if not applicable. *has (*or has not) acquired the rights, privileges and duties of its predecessor.....
(name of predecessor trade union)by reason of a merger, amalgamation or a transfer of jurisdiction.

*Strike out if person to whom notice addressed is not employer. *2. You are required to post the enclosed Notices to Employees of Application for Declaration Concerning Status of Successor Trade Union (Form 24) immediately. These notices are to be posted in conspicuous places where they are most likely to come to the attention of all employees who may be affected by the application. You shall keep them posted upon your premises until the close of business on the terminal date for the application shown in paragraph 3. You shall complete and send to the Board immediately the Return of Posting (Form 74).

3. The terminal date fixed for this application as directed by the Board is the.....day of....., 19....

4. You shall send to the Board your reply so that,

(a) it is received by the Board not later than the terminal date shown in paragraph 3; or

(b) if it is mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario, M7A 1V4, it is mailed not later than the terminal date shown in paragraph 3.

5. If you fail to send your reply to the Board as set out in paragraph 4, the Board may dispose of the application on the evidence before it without further notice to you.

DATED this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board.

R.R.O. 1970, Reg. 551, Form 19; O. Reg. 474/71, s. 1.

FILE NO.....

Form 24

Labour Relations Act

NOTICE TO EMPLOYEES OF APPLICATION FOR DECLARATION CONCERNING STATUS OF SUCCESSOR TRADE UNION BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

—and—

Respondent.

TO THE EMPLOYEES OF

1. TAKE NOTICE that the applicant, on....., 19...., made to the Ontario Labour Relations Board an application for a declaration that.....has (or has not) acquired the rights, privileges and duties of its predecessor.....in the following bargaining unit:

2. Your attention is directed to the following information contained in the application:

3. The terminal date fixed for this application as directed by the Board is the.....day of, 19....

4. Any employee, or group of employees, affected by the application and desiring to make representations to the Board in opposition to this application must send to the Board a statement of such desire, which shall,

- (a) be in writing signed by the person making the statement or his representative;
- (b) contain the names of the parties to the application;
- (c) contain a return mailing address;
- (d) contain a concise summary of the representations; and
- (e) contain a statement as to whether you desire a hearing before the Board in connection with the statement.

5. The statement of desire must be,

- (a) received by the Board not later than the terminal date shown in paragraph 3; or
- (b) if it is mailed by registered mail to the Board at its office, 400 University Avenue, Toronto, Ontario, M7A 1V4, mailed not later than the terminal date shown in paragraph 3.

*6. IF NO STATEMENT OF DESIRE TO MAKE REPRESENTATIONS IS SENT TO THE BOARD IN ACCORDANCE WITH PARAGRAPHS 4 AND 5, THE BOARD MAY DISPOSE OF THE APPLICATION UPON THE MATERIAL BEFORE IT WITHOUT FURTHER NOTICE TO THE EMPLOYEES.

DATED this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board.

*If you do not request a hearing but wish the Board to consider your representations without a hearing, your statement of desire must contain all the representations you wish the Board to consider.

R.R.O. 1970, Reg. 551, Form 20; O. Reg. 474/71, s. 1.

FILE NO.....

Form 25

Labour Relations Act

REPLY TO APPLICATION FOR DECLARATION CONCERNING STATUS OF
SUCCESSOR TRADE UNION
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

— and —
Applicant,
Respondent.

*Strike out
if not
applicable.

*respondent
The *predecessor trade union states in reply to the application for a declaration that
*employer

.....*has (*or has not) acquired the rights, privileges and
(name of successor trade union)

duties of its predecessor.....by reason of a merger, amalgamation
(name of predecessor trade union)

or transfer of jurisdiction, as follows:

1. (a) correct name of *respondent
*predecessor trade union:
*employer

- (b) address of *respondent
*predecessor trade union:
*employer

- (c) address of *respondent
*predecessor trade union for service:
*employer

- *respondent
*(1) The *predecessor trade union consents to the declaration requested by the
*employer
applicant being made without a hearing by the Board;

OR

- *respondent
*(2) The *predecessor trade union consents to the disposition of the application
*employer
without a hearing by the Board and makes the following representations
thereon (attach additional pages if necessary):

OR

- *respondent
*(3) The *predecessor trade union requests a hearing of the application by the
*employer
Board and undertakes to attend a hearing of the Board for this purpose.

*respondent
The *predecessor trade union states in support of such request as follows
*employer
(attach additional pages if necessary):

DATED at....., this.....day of....., 19.....

.....
signature

*respondent
for the *predecessor trade union
*employer

Form 26

*Labour Relations Act*APPLICATION UNDER SECTION 63 OF THE ACT
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

The applicant applies to the Ontario Labour Relations Board under section 63 of the Act with respect to the bargaining rights of
(trade union)
as a result of,

*Strike out
if not
applicable

*(a) a sale of a business by to
(predecessor employer)
..... alleged to have taken place on
(successor employer)
or about the day of, 19....

OR

*(b) an erection of one or more municipalities into another municipality or an amalgamation, union or other joining of two or more municipalities involving
..... and
(successor municipality) (predecessor municipality)
alleged to have taken place on or about the day of
....., 19....

The applicant states:

1. (a) Full name of applicant:
(b) Address of applicant:
- *Strike out if trade union is applicant *2. (a) Name of trade union claiming bargaining rights:
(b) Address of trade union claiming bargaining rights:
- *Strike out if successor employer is applicant *3. (a) Full name of successor employer:
(b) Address of successor employer:
4. (a) Full name of predecessor employer:
(b) Address of predecessor employer:
5. (a) Full name of any other trade union, employer or other person known to have an interest in this application:
(b) Address of any other trade union, employer or other person known to have an interest in this application:

- *Strike out if not applicable

6.

*did

*didnot

(1) A sale of a business

take place.
- OR
- (2) An erection of one or more municipalities into another municipality or an amalgamation, union or other joining of two or more municipalities

*did

*didnot

take place.
7. As a result,
- *Strike out if not applicable

(a)

*is

*isnot

bound by a collective agreement entered into by

and

(trade union)
- OR
- (b)

*is

*isnot

required to bargain with

(trade union)
- with a view to making a collective agreement.
- *Strike out if not applicable

8. A change in the character of the business so that it is substantially different from the business of the predecessor employer

*has

*hasnot

taken place.
- *Strike out if not applicable.

9. An intermingling of employees of one business with employees of another business represented by a trade union

*has

*hasnot

taken place.
10. The applicant makes the following request (state nature of relief claimed):
11. The applicant submits with this application the following documents:
12. Other relevant statements, including a statement of events which led to this application (attach additional pages if necessary):

DATED at, this day of, 19.....

.....
signature for the applicant
O. Reg. 29 /71, s. 8, *part*.

FILE NO.

Form 27

Labour Relations Act

NOTICE OF MAKING OF APPLICATION UNDER SECTION 63
OF THE ACT AND OF HEARING
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

TO:

1. TAKE NOTICE that the applicant on, 19..., filed with the Ontario Labour Relations Board an application under section 63 of the *Labour Relations Act*, a copy of which is attached.

*Strike out if not applicable

*2. You are required to post the enclosed Notice to Employees of Application (Form 28) immediately. These notices are to be posted in conspicuous places where they are most likely to come to the attention of all employees who may be affected by the application. You shall keep them posted upon your premises until the close of business on the terminal date for the application shown in paragraph 3. You shall complete and send to the Board immediately the Return of Posting (Form 74).

3. The terminal date fixed for this application as directed by the Board is the.....day of, 19....

*Strike out if not applicable

4. You shall send to the Board your *reply *intervention so that,

(a) it is received by the Board not later than the terminal date shown in paragraph 3; or

(b) if it is mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario, M7A 1V4, it is mailed not later than the terminal date shown in paragraph 3.

*Strike out if not applicable

5. If you fail to send your *reply *intervention to the Board as set out in paragraph 4, the Board may dispose of the application on the evidence before it without further notice to you.

6. AND FURTHER TAKE NOTICE that the hearing of the application by the Board will take place at the Board Room at 400 University Avenue, Toronto, Ontario, on the day of, 19..., at.....o'clock in the.....noon.

7. THE PURPOSE OF THE HEARING is to hear the evidence and representations of the parties with respect to all matters arising out of and incidental to, the application referred to in paragraph 1.

8. IF YOU DO NOT ATTEND AT THE HEARING, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

9. Your attention is directed to subsection 63 (13) of the Act which states:

Where, on an application under this section, a trade union alleges that the sale of a business has occurred, the respondents to the application shall adduce at the hearing all facts within their knowledge that are material to the allegation.

DATED this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board.

FILE NO.

Form 28

Labour Relations Act

NOTICE TO EMPLOYEES OF APPLICATION UNDER SECTION 63
OF THE ACT AND OF HEARING
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

TO THE EMPLOYEES OF:

1. TAKE NOTICE that the applicant on, 19 , made to the Ontario Labour Relations Board an application under section 63 of the Act requesting the Board to:

2. Your attention is directed to the following information contained in the application:

3. The terminal date fixed for this application as directed by the Board is the day of, 19

4. Any employee or group of employees affected by the application and desiring to make representations to the Board in connection with this application must send to the Board a statement in writing of such representations which statement must,

- (a) be in writing, signed by the person making the statement or his representative;
- (b) contain the names of the parties to the application;
- (c) contain a return mailing address; and
- (d) contain a concise summary of the representations.

5. The statement of desire to make representations must be,

- (a) received by the Board not later than the terminal date shown in paragraph 3; or
- (b) if mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario, M7A 1V4, mailed not later than the terminal date shown in paragraph 3.

6. Unless a statement of desire to make representations is delivered or mailed to the Board in accordance with paragraphs 4 and 5, the Board may dispose of the application without further notice to the employees.

7. AND FURTHER TAKE NOTICE that the hearing of the application by the Board will take place at the Board Room, 400 University Avenue, Toronto, Ontario, on the day of, 19 at o'clock in the noon.

8. THE PURPOSE OF THE HEARING is to hear the evidence and representations of the parties with respect to all matters arising out of and incidental to, the application referred to in paragraph 1.

9. IF YOU DO NOT ATTEND AT THE HEARING, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

DATED this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board.

O. Reg. 321/73, s. 11, *part*.

FILE NO.

“Form 29

Labour Relations Act

REPLY TO AN APPLICATION “
UNDER SECTION 63 OF THE ACT
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

The respondent states in reply to the application under section 63 as follows:

1. (a) correct name of respondent :
- (b) address of respondent :
- (c) address of respondent for service :

- *Strike out if not applicable.
2. The applicant ^{*is} ~~*is not~~ entitled to the relief claimed for the following reasons:
(Reference should be made to specific statements in the application.)
 3. The respondent submits with this reply the following documents:
 4. The respondent replies to the application as follows:

DATED at....., this.....day of....., 19....

.....
signature for the respondent

FILE NO.

Form 30

*Labour Relations Act*INTERVENTION APPLICATION UNDER SECTION 63
OF THE ACT
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

.....
(name of intervener)

intervenes in this proceeding.

The intervener states:

1. (a) address of intervener:

(b) address of intervener for service:

2. The interest of the intervener in these proceedings is as follows:

*Strike out
if not
applicable.3. The applicant ^{*is} ~~*is not~~ entitled to the relief claimed for the following reasons:
(Reference should be made to specific statements in the application.)

4. The intervener submits with this intervention the following documents:

5. The intervener desires to make the following representations: (attach additional pages if necessary)

DATED at....., this.....day of....., 19.....

.....
signature for the intervenerO. Reg. 29/71, s. 8, *part.*

Form 31

*Labour Relations Act*APPLICATION UNDER SUBSECTION 1 (4) OF THE ACT
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between

Applicant,

— and —

Respondents.

The applicant applies to the Ontario Relations Board for an order under subsection 1 (4) of the Act.

The applicant states:

- 1. (a) address of applicant:
(b) address of applicant for service:
(c) name and address of each respondent:
- 2. (a) name and address of any trade union, council of trade unions, employer or persons known by the applicant to have an interest in or who may be affected by this application:
- 3. The applicant alleges that associated or related activities or businesses are or were carried on by:
(GIVE FULL PARTICULARS)
.....
.....
under common control or direction.
- 4. The applicant requests the following relief:
- 5. The applicant submits with this application the following documents:
- 6. Other relevant statements, including a statement of events which led to this application:
(attach additional pages if necessary)

DATED at, this day of, 19....
.....
signature for the applicant
O. Reg. 676/75, s. 11, *part.*

FILE NO.

Form 32

Labour Relations Act

NOTICE OF APPLICATION UNDER SUBSECTION 1 (4)
OF THE ACT AND OF HEARING
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondents.

TO:

1. TAKE NOTICE that the applicant on, 19...., filed with the Ontario Labour Relations Board an application under subsection 1 (4) of the *Labour Relations Act*, a copy of which is attached.

*Strike out
if not
applicable

- *2. You are required to post the enclosed Notice to Employees of Application (Form 33) immediately. These notices are to be posted in conspicuous places where they are most likely to come to the attention of all employees who may be affected by the application. You shall keep them posted upon your premises until the close of business on the terminal date for the application shown in paragraph 3. You shall complete and send to the Board immediately the Return of Posting (Form 74), which is attached hereto.

3. The terminal date fixed for this application as directed by the Board is the.....day
of....., 19....

*Strike out
if not
applicable

4. You shall send to the Board your *reply
*intervention so that,

(a) it is received by the Board not later than the terminal date shown in paragraph 3; or

(b) if it is mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario, it is mailed not later than the terminal date shown in paragraph 3.

*Strike out
if not
applicable

5. If you fail to send your *reply
*intervention to the Board as set out in paragraph 4, the Board may dispose of the application without further notice to you.

6. AND FURTHER TAKE NOTICE that the hearing of the application by the Board will take place at the Board Room at 400 University Avenue, Toronto, Ontario, on the day of....., 19...., at.....o'clock in the.....noon.

7. THE PURPOSE OF THE HEARING is to hear the evidence and representations of the parties with respect to all matters arising out of, and incidental to, the application referred to in paragraph 1.

8. IF YOU DO NOT ATTEND AT THE HEARING, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

9. Your attention is directed to subsection 1 (5) of the Act which states:

"WHERE, IN AN APPLICATION MADE UNDER SUBSECTION (4), IT IS ALLEGED THAT MORE THAN ONE CORPORATION, INDIVIDUAL, FIRM, SYNDICATE OR ASSOCIATION, OR ANY COMBINATION THEREOF, ARE OR WERE UNDER COMMON CONTROL OR DIRECTION, THE RESPONDENTS TO THE APPLICATION SHALL ADDUCE AT THE HEARING ALL FACTS WITHIN THEIR KNOWLEDGE MATERIAL TO THE ALLEGATION."

DATED this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board.

O. Reg. 676/75, s. 11, *part*.

FILE NO.

Form 33

Labour Relations Act

NOTICE TO EMPLOYEES OF APPLICATION UNDER SUBSECTION 1 (4)
OF THE ACT AND OF HEARING
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondents.

TO THE EMPLOYEES OF:

1. TAKE NOTICE that the applicant on....., 19...., made to the Ontario
Labour Relations Board an application under subsection 1 (4) of the Act alleging that

.....
.....
and requesting that.....
.....

2. The terminal date fixed for this application as directed by the Board is the.....day of
....., 19....

3. Any employee or group of employees affected by the application and desiring to make representa-
tions to the Board in connection with this application shall send to the Board a statement in writing of
such representations which statement shall,

- (a) be signed by the person making the statement or his representative;
- (b) contain the names of the parties to the application;
- (c) contain a return mailing address; and
- (d) contain a concise summary of the representations.

4. The statement of desire to make representations shall be,

- (a) received by the Board not later than the terminal date shown in paragraph 2; or
- (b) if mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, On-
tario, M7A 1V4, mailed not later than the terminal date shown in paragraph 2.

5. Unless a statement of desire to make representations is delivered or mailed to the Board in
accordance with paragraphs 3 and 4 the Board may dispose of the application without further notice to
the employees.

6. AND FURTHER TAKE NOTICE that the hearing of the application by the Board will take place at
the Board Room, 400 University Avenue, Toronto, Ontario, on the day of,
19...., at o'clock in the noon.

7. THE PURPOSE OF THE HEARING is to hear the evidence and representations of the parties with respect to all matters arising out of, and incidental to, the application referred to in paragraph 1.

8. IF YOU DO NOT ATTEND AT THE HEARING, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

DATED this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board.
O. Reg. 676/75, s. 11, *part.*

FILE NO.

Form 34

Labour Relations Act

REPLY TO AN APPLICATION UNDER SUBSECTION 1 (4) OF THE ACT
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

The respondent states in reply to the application under subsection 1 (4) of the Act as follows:

- 1. (a) correct name of respondent :
- (b) address of respondent :
- (c) address of respondent for service :

- *Strike out if not applicable 2. The applicant ^{*is} _{*is not} entitled to the relief claimed for the following reasons:
- 3. The respondent submits with this reply the following documents:
- 4. The respondent replies to the application as follows:

DATED at....., this.....day of....., 19....

.....
signature for the respondent
O. Reg. 676/75, s. 11, *part.*

FILE NO.

Form 35

Labour Relations Act

INTERVENTION, APPLICATION UNDER SUBSECTION 1 (4) OF THE ACT
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

.....
(name of intervener)

intervenes in this proceeding.

The intervener states:

1. (a) address of intervener:

(b) address of intervener for service:
2. The interest of the intervener in these proceedings is as follows:
3. The applicant ^{*is}_{*is not} entitled to the relief claimed for the following reasons:
4. The intervener submits with this intervention the following documents:
5. The intervener desires to make the following representations:

*Strike out
if not
applicable

DATED at, this day of, 19....

.....
signature for the intervener
O. Reg. 676/75, s. 11, *part.*

Form 36

Labour Relations Act

APPLICATION FOR DECLARATION THAT STRIKE, CALLED OR AUTHORIZED
BY TRADE UNION OR COUNCIL OF TRADE UNIONS, UNLAWFUL
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

The applicant applies to the Ontario Labour Relations Board for a declaration that a strike called or authorized by the respondent is unlawful.

The applicant states:

1. (a) address of applicant:
- (b) address of applicant for service:
- (c) address of respondent:
2. The material facts upon which the applicant intends to rely in support of its allegation that a strike was called or authorized by the respondent and that the strike is unlawful are as follows:

DATED at....., this.....day of....., 19.....

.....
signature for the applicant

R.R.O. 1970, Reg. 551, Form 22.

Form 37

Labour Relations Act

APPLICATION FOR DECLARATION THAT STRIKE, ENGAGED IN BY EMPLOYEES, UNLAWFUL BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondents.

The applicant applies to the Ontario Labour Relations Board for a declaration that a strike engaged in by employees of the applicant is unlawful.

The applicant states:

1. (a) address of applicant:
- (b) address of applicant for service:
- (c) addresses of respondents:
2. The material facts upon which the applicant intends to rely to support its allegation that a strike was engaged in by the respondents and that the strike is unlawful are as follows:

DATED at....., this.....day of....., 19.....

.....
signature for the applicant

R.R.O. 1970, Reg. 551, Form 23.

Form 38

Labour Relations Act

APPLICATION FOR DECLARATION THAT LOCKOUT UNLAWFUL
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

The applicant applies to the Ontario Labour Relations Board for a declaration that a lockout called authorized by the respondent is unlawful.

The applicant states:

1. (a) address of applicant:
(b) address of applicant for service:
(c) address of respondent:
2. The material facts upon which the applicant intends to rely in support of its allegation that a lockout was called or authorized by the respondent and that the lockout is unlawful are as follows:

DATED at....., this.....day of....., 19....

.....
signature for the applicant

R.R.O. 1970, Reg. 551, Form 24.

FILE NO.

Form 39

Labour Relations Act

NOTICE OF APPLICATION FOR DECLARATION THAT STRIKE OR LOCKOUT
UNLAWFUL OR FOR CONSENT TO INSTITUTE PROSECUTION AND OF HEARING
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

TO THE RESPONDENT,

1. TAKE NOTICE that the applicant, on....., 19...., made to the Ontario Labour Relations Board an application, a copy of which is attached, for.....

2. You shall send to the Board your reply, if any, to this application, so that,

(a) it is received by the Board; or

(b) if mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario, M7A 1V4, it is mailed,

not later than the day of, 19....

3. AND FURTHER TAKE NOTICE the hearing of the application by the Board will take place at the Board Room at 400 University Avenue, Toronto, Ontario, on day, the day of, 19....., at o'clock.

4. THE PURPOSE OF THE HEARING is to hear the evidence and representations of the parties with respect to all matters arising out of and incidental to, the application referred to in paragraph 1.

5. IF YOU DO NOT ATTEND AT THE HEARING, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

DATED this day of, 19....

.....
Registrar,
Ontario Labour Relations Board.

O. Reg. 321/73, s. 12.

FILE No.....

Form 40

Labour Relations Act

REPLY TO APPLICATION FOR DECLARATION THAT STRIKE OR LOCKOUT UNLAWFUL BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

— and —

Applicant,

Respondent.

*Strike out if not applicable. The respondent states in reply to the application for a declaration that a *strike applicable. is unlawful as follows: *lockout

1. (a) correct name of respondent:

(b) address of respondent:

(c) address of respondent for service:

2. The respondent replies to the application as follows:

DATED at, this day of, 19....

.....
signature for the respondent

Form 41

Labour Relations Act

APPLICATION FOR A DIRECTION UNDER SECTION 92 or 93 OF THE ACT
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

*Strike out
if not
applicable

The applicant applies to the Ontario Labour Relations Board for relief under sec-
tion ~~92~~ of the Act.
~~93~~

The applicant states:

- 1. (a) address and telephone number of applicant:
(b) address and telephone number of applicant for service:
(c) name(s) of respondent(s):
(d) address(es) of respondent(s):
- 2. The date(s) upon which the act(s) complained of occurred:
- 3. The following is a concise statement of the nature of each act complained of (Use additional sheets if necessary):
- *4. As of the date of this application the act(s) complained of in paragraph 3 ^{*is} con-
tinuing. ^{*are}
- 5. The direction that the applicant desires the Board to make:
- 6. Other relevant statements:

DATED at....., this.....day of....., 19....

.....
signature for the applicant
O. Reg. 676/75, s. 11, *part.*

FILE NO.

Form 42

Labour Relations Act

NOTICE OF APPLICATION FOR A DIRECTION UNDER SECTION 92 or 93
OF THE ACT AND OF HEARING
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

TO:

*Strike out
if not
applicable

1. TAKE NOTICE that the applicant has made an application, a copy of which is attached, requesting relief under section ^{*92} of the Act.

2. You shall send to the Board your reply to this application so that,

(a) it is received by the Board; or

(b) if mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario M7A 1V4, it is mailed,

not later than the day of, 19....

3. AND FURTHER TAKE NOTICE that the hearing of the application by the Board will take place at the Board Room at 400 University Avenue, Toronto, Ontario, on

..... day, the day of, 19...., at

..... o'clock in the noon.

4. THE PURPOSE OF THE HEARING is to hear evidence and representations of the parties with respect to all matters arising out of and incidental to, the application referred to in paragraph 1.

5. IF YOU DO NOT ATTEND AT THE HEARING, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

DATED this day of, 19....

.....
Registrar,
Ontario Labour Relations Board.
O. Reg. 676/75, s. 11, *part.*

Form 43

FILE NO.

Labour Relations Act

REPLY TO APPLICATIONS FOR A DIRECTION UNDER SECTION 92 or 93 OF THE ACT BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

The respondent states in reply to the application of the applicant as follows:

1. (a) correct name of respondent:
- (b) address and telephone number of respondent:
- (c) address of respondent for service:
2. The respondent replies to this application as follows:

DATED at, this day of, 19....

.....
signature for the respondent
O. Reg. 676/75, s. 11, *part.*

Form 44

FILE No.....

Labour Relations Act

APPLICATION FOR CONSENT TO INSTITUTE PROSECUTION
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

The applicant applies to the Ontario Labour Relations Board for consent to institute a prosecution of the respondent for an offence under the Act.

The applicant states:

1. (a) address of applicant:
(b) address of applicant for service:
(c) address of respondent:
2. The nature of the alleged offence:
3. The date of commencement of the alleged offence:
4. The material facts upon which the applicant intends to rely as establishing the offence are as follows:

DATED at....., this.....day of....., 19.....

.....
signature for the applicant

R.R.O. 1970, Reg. 551, Form 27.

Form 45

FILE No.....

Labour Relations Act

REPLY TO APPLICATION FOR CONSENT TO INSTITUTE PROSECUTION
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

The respondent states in reply to the application for consent to prosecute for an offence under the Act as follows:

1. (a) correct name of respondent:
(b) address of respondent:
(c) address of respondent for service:
2. The respondent replies to the application as follows:

DATED at....., this.....day of....., 19.....

.....
signature for the respondent

R.R.O. 1970, Reg. 551, Form 28.

Form 46

Labour Relations Act

APPLICATION FOR EXEMPTION ON THE GROUNDS OF RELIGIOUS
CONVICTION OR BELIEF FROM UNION SECURITY PROVISIONS
IN A COLLECTIVE AGREEMENT
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

— and —

Applicant,

Respondent
Trade Union,

— and —

Respondent
Employer.

The applicant applies to the Ontario Labour Relations Board for exemption on the grounds of religious conviction or belief from the union security provisions in a collective agreement entered into between the trade union and employer.

The applicant states:

1. (a) address of applicant for service:
- (b) address of respondent trade union:
- (c) address of respondent employer:
2. The applicant has been and continues to be an employee of the respondent employer since the day of, 19.....

*Strike out
if not
applicable

- *3. —(1) A collective agreement, a copy of which is appended hereto, was entered into between the trade union and the employer on the day of, 19...., and is operative from the day of, 19...., to the day of, 19....
- (2) The union security provision from which the applicant is seeking exemption is as follows:
- *4. —(1) A collective agreement was entered into between the trade union and employer but has not been made available to the applicant.
- (2) Under the terms of this collective agreement employees are required to join the trade union or pay dues or other assessments to the trade union.
5. The grounds upon which the applicant seeks exemption (state as concisely as possible the religious conviction or belief for objecting to joining the trade union or paying dues or other assessments to the trade union):
6. Other relevant statements:

DATED at, this day of, 19....

.....
(signature)

FILE NO.

Form 47

Labour Relations Act

NOTICE OF APPLICATION FOR EXEMPTION FROM UNION SECURITY
PROVISIONS IN A COLLECTIVE AGREEMENT ON THE GROUNDS
OF RELIGIOUS CONVICTION OR BELIEF AND OF HEARING
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent
Trade Union,

— and —

Respondent
Employer.

TO THE RESPONDENT:

1. TAKE NOTICE that the applicant, on the.....day of.....; 19...., made an application to the Ontario Labour Relations Board for exemption from a union security provision in a collective agreement entered into between the trade union and employer. A copy of the application is attached.

2. You shall send your reply to this application accompanied by the collective agreement between the trade union and employer to the Board so that,

(a) it is received by the Board; or

(b) if mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario, M7A 1V4, it is mailed,

not later than the.....day of....., 19....

3. If you fail to send your reply to the Board as set out in paragraph 2, the Board may dispose of the application on the evidence and representations placed before it by the applicant.

4. AND FURTHER TAKE NOTICE that the hearing of the application by the Board will take place at the Board Room, 400 University Avenue, Toronto, Ontario, on day, the day of, 19...., at.....o'clock in the.....noon.

5. THE PURPOSE OF THE HEARING is to hear the evidence and representations of the parties with respect to all matters arising out of and incidental to, the application referred to in paragraph 1.

6. IF YOU DO NOT ATTEND AT THE HEARING, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

DATED this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board.

O. Reg. 321/73, s. 13, revised.

FILE NO.

Form 48

Labour Relations Act

REPLY TO AN APPLICATION FOR EXEMPTION FROM UNION
SECURITY PROVISIONS IN A COLLECTIVE AGREEMENT ON
THE GROUNDS OF RELIGIOUS CONVICTION OR BELIEF
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent
Trade Union,

— and —

Respondent
Employer.

The respondent replies to the application for exemption from the union security provision in a collective agreement between the trade union and employer as follows:

- 1. (a) correct name of respondent:
- (b) address of respondent:
- (c) address of respondent for service:
- 2. A collective agreement, a copy of which is enclosed, was entered into between the the trade union and employer on the.....day of....., 19...., and is operative from the..... day of....., 19...., to theday of....., 19....
- 3. The union security provision of the collective agreement is as follows:
- 4. The respondent replies to the application as follows:

DATED at....., this.....day of....., 19....

.....
signature for the respondent

Form 49

Labour Relations Act

COMPLAINT CONCERNING FINANCIAL STATEMENT
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Complainant,

— and —

Respondent.

The complainant complains to the Ontario Labour Relations Board that the respondent has failed upon his request to furnish him with a copy of the audited financial statement of its affairs to the end of its last fiscal year, certified to be a true copy by its treasurer or other officer responsible for the handling and administration of its funds, contrary to section 85 of the *Labour Relations Act*.

The complainant states:

- 1. (a) address of complainant for service:
(b) address of respondent:
- 2. The complainant is a member of the respondent.
- 3. Name and address of the treasurer or other officer of the respondent responsible for the handling and administration of its funds:
- 4. Statement as to the efforts made by the complainant to obtain from the respondent a copy of its audited financial statement:
- 5. Other relevant statements:

DATED at....., this.....day of....., 19.....

.....
signature

NOTE

Section 45 of the Board's Rules of Procedure provides that:

Where, after the expiration of the time for reply fixed by section 44 the complainant informs the Board that the trade union has not furnished the complainant with a copy of the financial statement or where the trade union in its reply claims that the applicant is not entitled to be furnished with such a statement, the registrar shall serve each of the parties with a notice of hearing in Form 8.

R.R.O. 1970, Reg. 551, Form 29; O. Reg. 676/75, s. 12.

Form 50

FILE No.....

Labour Relations Act

NOTICE OF COMPLAINT OF FAILURE TO FURNISH FINANCIAL STATEMENT
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Complainant,

— and —

Respondent.

TO THE RESPONDENT,

1. TAKE NOTICE that the complainant, on the.....day of.....,

19...., made a complaint to the Ontario Labour Relations Board that you failed upon his request to furnish him with a copy of your financial statement, contrary to section 85 of the *Labour Relations Act*. A copy of the complaint is attached.

2. You shall send your reply to this complaint to the Board so that,

(a) it is received by the Board; or

(b) if mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario, M7A 1V4, it is mailed,

not later than the day of, 19....

3. If you fail to send your reply to the Board as set out in paragraph 2, the Board may dispose of the application on the evidence and representations placed before it by the complainant without further notice to you.

DATED this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board.

R.R.O. 1970, Reg. 551, Form 30; O. Reg. 474/71, s. 1, revised.

FILE No.....

Form 51

Labour Relations Act

REPLY TO COMPLAINT CONCERNING FINANCIAL STATEMENT
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Complainant,

— and —

Respondent.

The respondent states in reply to the complaint of failure to furnish the complainant with a copy of the respondent's financial statement as required by section 85 of the *Labour Relations Act* as follows:

1. (a) correct name of respondent:

(b) address of respondent:

(c) address of respondent for service:

2. Name and address of the treasurer or other officer responsible for the handling and administration of the funds of the respondent:

*Strike out
if not
applicable.

3. *⁽¹⁾ The respondent furnished the complainant with a copy of the audited financial statement of its affairs to the end of its last fiscal year, certified to be a true copy by.....on the.....day of....., 19....;

OR

- *⁽²⁾ The complainant was not entitled to request the respondent to furnish him with a copy of the audited financial statement of its affairs to the end of its last fiscal year for the following reasons:

4. Other relevant facts:

DATED at....., this.....day of....., 19....

.....
signature for the respondent

R.R.O. 1970, Reg. 551, Form 31.

Form 52

Labour Relations Act

COMPLAINT CONCERNING INADEQUATE FINANCIAL STATEMENT
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Complainant,

— and —

Respondent.

The complainant complains to the Ontario Labour Relations Board that an audited financial statement furnished by the respondent is inadequate, under subsection 85 (2) of the *Labour Relations Act*.

The complainant states:

1. (a) address of complainant for service:
(b) address of respondent:
2. The complainant is a member of the respondent.
3. Name and address of the treasurer or other officer of the respondent responsible for the handling and administration of its funds:
4. The audited financial statement for the fiscal year ending.....(a copy of which is attached) is inadequate for the following reasons:
5. Statement as to the efforts made by the complainant to obtain from the respondent an adequate audited financial statement:
6. Other relevant statements:

DATED at....., this.....day of....., 19....

.....
signature

O. Reg. 676/75, s. 13, *part*.

FILE NO.

Form 53

*Labour Relations Act*NOTICE OF COMPLAINT CONCERNING INADEQUATE FINANCIAL STATEMENT
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Complainant,

— and —

Respondent.

TO THE RESPONDENT:

1. TAKE NOTICE that the complainant, on theday of, 19...., made a complaint to the Ontario Labour Relations Board, under subsection 85 (2) of the *Labour Relations Act*, that your audited financial statement for the fiscal year ending is inadequate. A copy of the complaint is attached.

2. You shall send your reply to this complaint to the Board so that,

(a) it is received by the Board; or

(b) if mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario, M7A 1V4, it is mailed,

not later than the day of, 19....

3. If you fail to send your reply to the Board as set out in paragraph 2, the Board may dispose of the application on the evidence and representations place before it by the complainant without further notice to you.

DATED thisday of, 19....

.....
Registrar,
Ontario Labour Relations Board.

NOTE

Section 48 of the Board's Rules of Procedure provides:

Where, after the expiration of the time for reply fixed by section 47 the complainant informs the Board that the trade union has not furnished an adequate audited financial statement or where the trade union in its reply claims that the statement previously furnished is adequate, the registrar shall serve each of the parties with a notice of hearing in Form 8.

O. Reg. 676/75, s. 13, *part, revised.*

FILE NO.

Form 54*Labour Relations Act***REPLY TO COMPLAINT CONCERNING INADEQUATE FINANCIAL STATEMENT
BEFORE THE ONTARIO LABOUR RELATIONS BOARD****Between:**

Complainant,

— and —

Respondent.

The respondent states in reply to the complaint under subsection 85 (2) of the *Labour Relations Act* as follows:

1. (a) correct name of respondent:
- (b) address of respondent:
- (c) address of respondent for service:
2. Name and address of the treasurer or other officer responsible for the handling and administration of the funds of the respondent:
3. The respondent replies to the complaint as follows:

DATED at, this day of, 19....

.....
signature for the respondentO. Reg. 676/75, s. 13, *part.***Form 55***Labour Relations Act***COMPLAINT CONCERNING FINANCIAL STATEMENT OF ADMINISTRATOR
BEFORE THE ONTARIO LABOUR RELATIONS BOARD****Between:**

Complainant,

— and —

Respondent.

The complainant complains to the Ontario Labour Relations Board that the respondent has failed to furnish the complainant with a copy of an audited financial statement as required by subsections 86 (1) and (2) of the Act.

The complainant states:

1. (a) address of complainant;
(b) address of complainant for service;
(c) address of respondent.
2. Name(s) and address(es) of employer(s) who made payments or contributions into the plan or fund administered by the respondent on the complainant's behalf:
3. Name and address of the trade union of which complainant is a member:
- *4. The complainant has received no audited financial statement from the respondent.
- *5. The complainant has received an audited financial statement from the respondent that has failed to comply with subsection 86 (2) of the Act in that the financial statement furnished was not certified by a person licensed under the *Public Accountancy Act* or a firm whose partners are licensed under that Act.
- *6. The complainant has received an audited financial statement (a copy of which is attached) from the respondent that failed to contain the following information required by subsection 86 (2) of the Act.
7. The complainant has made the following efforts to obtain from the respondent an audited financial statement that complies with the Act:
8. Other relevant statements:

*Strike out
if not
applicable

DATED at, this day of, 19....

.....
signature
O. Reg. 676/75, s. 13, *part.*

Form 56

FILE NO.

Labour Relations Act

NOTICE OF CERTIFICATE OR COMPLAINT OF FAILURE OF ADMINISTRATOR
TO FURNISH FINANCIAL STATEMENT
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

*Strike out
if not
applicable

*Complainant,
*Minister,

— and —

Respondent.

TO THE RESPONDENT,

1. TAKE NOTICE that the *Minister
*complainant, on the day of,
19.... *filed a certificate that you *failed to file with the Minister
*made a complaint that you *failed upon his request to furnish him with a copy of
an audited financial statement complying with section 86 of the *Labour Relations Act*.
A copy of the *certificate is attached.
*complaint

2. You shall send your reply to this ^{*certificate}
^{*complaint} to the Board so that,

(a) it is received by the Board; or

(b) if mailed by registered mail addressed to the Board at its office, 400 University Avenue,
Toronto, Ontario, M7A 1V4, it is mailed,

not later than the day of, 19....

3. If you fail to send your reply to the Board as set out in paragraph 2, the Board
may dispose of the application on the evidence and representations placed before it by the
^{*complainant}
^{*Minister} without further notice to you.

DATED this day of, 19....

.....
Registrar,
Ontario Labour Relations Board.

NOTE

Your attention is directed to the provisions of section 52 of the Board's Rules of Procedure which reads as follows:

Where after the expiration of the time for reply fixed by section 51 the Minister or the complainant, as the case
may be, informs the Board that the administrator is still in contravention of subsection 86 (2)-or (3) of the Act,
the registrar shall serve each of the parties with a notice of hearing in Form 8.

O. Reg. 676/75, s. 13, *part, revised.*

FILE NO.

Form 57

Labour Relations Act

REPLY BY ADMINISTRATOR TO COMPLAINT OR CERTIFICATE
CONCERNING FINANCIAL STATEMENT
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

^{*Complainant}
^{*Minister}

— and —

Respondent.

*Strike out
if not
applicable

The respondent states in reply to the ^{*certificate of failure to file with the Minister} ^{*complaint of failure to furnish a copy of} an
audited financial statement in compliance with section 86 of the *Labour Relations Act* as follows:

1. (a) correct name of respondent:

(b) address of respondent:

(c) address of respondent for service:

*Strike out if not applicable 2. The respondent replies to the *certificate *complaint as follows:

DATED at, this day of, 19

.....
signature for the respondent

O. Reg. 676/75, s. 13, *part*.

Form 58

Labour Relations Act

COMPLAINT UNDER SECTION 89 OF THE ACT
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Complainant,

— and —

Respondent.

The complainant complains that the grievor(s) named in paragraph 2 has (have) been dealt with by the respondent contrary to the provisions of section(s).....
(specify relevant section(s) see Note of the *Labour Relations Act*, and requests that
Number 1 below) (state relief sought by
grievor(s) see Note Number 2 below)

1. (a) name of complainant:

(b) address of complainant for service:

(c) name of respondent:

(d) address of respondent:

2. (a) name(s) of grievor(s):

(b) address(es) and telephone number(s) of grievor(s):

*Strike out if not applicable

*3. (a) name of any other person, trade union, council of trade unions or employers' organization that may be affected by the complaint:

(b) address of person, trade union, council of trade unions or employers' organization that may be affected by the complaint:

4. The following is a concise statement of the nature of each act or omission complained of (use additional sheets if necessary. See Note Number 3 below).

On or about.....the grievor(s) was (were) dealt with by
(date of alleged violation)

.....
(the respondent where respondent is an individual)

.....
(or name and position with respondent)

of the respondent contrary to the provisions of section(s)

..... of the *Labour Relations Act* in that he did on his own behalf
or on behalf of the respondent:

5. The following steps have been taken on behalf of the grievor(s) for the adjustment of the matters giving rise to the complaint (if none has been taken state the reason why):
6. The person, trade union, council of trade unions or employers' organization set out above in paragraph 3(a) is affected by the complaint for the following reason(s):
7. Other relevant statements:

DATED at, this day of, 19

.....
(signature of complainant)

N.B. Failure to complete this form, setting out all the particulars, may cause delay in the processing of this complaint.

NOTES

1. Before a complainant is entitled to relief under section 89 it must be established that the respondent has acted contrary to some section of the *Labour Relations Act*, OTHER THAN SECTION 89. Insert in the space indicated the section(s) which the respondent is alleged to have violated.
2. The relief which the Board is entitled to give is set out in subsection 89 (4) of the Act.
3. This paragraph should be completed with care. Each act or omission complained of, together with the section of the Act alleged to have been violated in each instance, should be spelled out. Your attention is directed to section 72 of the Board's Rules of Procedure, that provides in part as follows:

72.—(1) Where a person intends to allege, at the hearing of an application or complaint, improper or irregular conduct by any person, he shall,

(a) include in the application or complaint; or

(b) file a notice of intention that shall contain, a concise statement of the material facts, actions and omissions upon which he intends to rely as constituting such improper or irregular conduct, including the time when and the place where the actions or omissions complained of occurred and the names of the persons who engaged in or committed them, but not the evidence by which the material facts, actions or omissions are to be proved, and, where he alleges that the improper or irregular conduct constitutes a violation of any provision of the Act, he shall include a reference to the section or sections of the Act containing such provision.
- (4) No person shall adduce evidence at the hearing of an application or complaint of any material fact that has not been included in the application or complaint or in any document filed under these Rules in respect of the application or complaint, except with the consent of the Board and, if the Board deems it advisable to give such consent, it may do so upon such terms and conditions as it thinks advisable.

Form 59

Labour Relations Act

COMPLAINT UNDER SECTION 89 OF THE ACT
(FAILURE TO COMPLY WITH TERMS OF SETTLEMENT
OR PRIOR COMPLAINT)
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

— and —

Complainant,

Respondent.

The complainant complains that the respondent has not complied with the terms of settlement of complaint made under section 89 of the *Labour Relations Act*, contrary to subsection (7) of that section.

1. On a complaint under section 89 was filed with the
(date)

Board and on.....the parties entered into a written
(date)
settlement of that complaint (a signed copy of which is filed herewith).

2. The respondent has failed to comply with the terms of the settlement as follows:

.....
(state how respondent has not complied with terms of settlement giving full particulars)

3. (a) name of complainant:

(b) address of complainant for service:

(c) name of respondent:

(d) address of respondent:

* (e) name of intervener:

* (f) address of intervener:

*Strike out
if not
applicable

4. (a) name(s) of grievor(s):

(b) address(es) of grievor(s):

5. The following steps have been taken on behalf of the grievor(s) to obtain compliance with the terms of the settlement:

6. Other relevant statements:

7. The complainant requests that the respondent be required to:.....

.....
(state specific relief sought by grievor(s))

DATED at, this day of, 19.....

.....
(signature of complainant)

N.B. Failure to complete this form setting out all the particulars, or failure to file an original signed copy of the terms of settlement of the prior complaint under section 89 of the Act may cause delay in the processing of this complaint.

FILE NO.

Form 60

Labour Relations Act

NOTICE OF INQUIRY INTO COMPLAINT
UNDER SECTION 89 OF THE ACT
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Complainant,

—and—

Respondent.

TO:

1. TAKE NOTICE that.....has been authorized by the Ontario Labour Relations Board on the.....day of....., 19...., to inquire into the complaint of the complainant that.....and report to the Board.

2. AND FURTHER TAKE NOTICE that the inquiry by.....will be held at.....on.....day, the.....day of....., 19...., at..... o'clock in the.....noon.

3. THE PURPOSE OF THE INQUIRY is to hear the evidence and representations of the parties with respect to all matters arising out of and incidental to, the complaint referred to in paragraph 1.

4. IF YOU DO NOT ATTEND AT THE INQUIRY, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

DATED this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board.

NOTE

Subsection 89 (5) of the Act provides that:

On an inquiry by the Board into a complaint under subsection (4) that a person has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment, the burden of proof that any employer or employers' organization did not act contrary to this Act lies upon the employer or employers' organization.

O. Reg. 321/73, s. 14; O. Reg. 676/75, s. 16.

FILE NO.

Form 61

Labour Relations Act

REPLY TO COMPLAINT UNDER SECTION 89 OF THE ACT
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Complainant,

— and —

Respondent.

The respondent states in reply to the complaint of the complainant as follows:

1. (a) correct name of respondent:
 (b) address of respondent:
 (c) address of respondent for service:
2. (a) name, if any, of any other person, trade union, council of trade unions or employers' organization that may be affected by the complaint:
 (b) address of person, trade union, council of trade unions or employers' organization that may be affected by the complaint:
3. The person, trade union, council of trade unions or employers' organization set out above in paragraph 2(a) is affected by the complaint for the following reason(s):
4. The respondent desires to make the following submissions:

DATED at....., this.....day of....., 19.....

.....
 (signature for the respondent)

O. Reg. 29/71, s. 9, *part*; O. Reg. 676/75, s. 17, *part*, revised.

FILE No.

Form 62

Labour Relations Act

INTERVENTION IN COMPLAINT UNDER SECTION 89 OF THE ACT BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Complainant,

— and —

Respondent.

.....
 (name of intervener)

intervenes in this proceeding.

The intervener states:

1. (a) address of intervener:
 (b) address of intervener for service:
2. The intervener claims to be affected by the complaint for the following reason(s):
3. The intervener desires to make the following submissions:

DATED at....., this.....day of....., 19.....

.....
 (signature for the intervener)

O. Reg. 29/71, s. 9, *part*; O. Reg. 676/75, s. 17, *part*.

FILE NO.

Form 63

Labour Relations Act

REPORT ON COMPLAINT UNDER SECTION 89 OF THE ACT
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Complainant,

— and —

Respondent.

TO:

1. Attached hereto is a copy of the report of.....upon the inquiry he was authorized to make into the complaint herein under the Board's direction dated the.....day of....., 19....

2. TAKE NOTICE that if you desire to make representations as to the conclusions the Board should reach in view of the report, you shall send to the Board a statement of desire to make representations which shall,

- (a) be in writing signed by the person making the statement or his representative;
- (b) contain the names of the parties to the complaint;
- (c) contain a return mailing address; and
- (d) contain all the representations you desire the Board to consider in connection with the report.

3. A statement referred to in paragraph 2 shall be sent to the Board so that,

- (a) it is received by the Board not later than the.....day of....., 19....;
or
- (b) if it is mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario, M7A 1V4, it is mailed not later than the day of , 19....

4. If no statement of desire to make representations is sent to the Board in accordance with paragraphs 2 and 3, the report shall constitute the findings and conclusions on the matters complained of and the Board may determine the complaint upon the material before it without further notice to the parties.

DATED this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board.

Form 64

*Labour Relations Act***COMPLAINT CONCERNING WORK ASSIGNMENT
BEFORE THE ONTARIO LABOUR RELATIONS BOARD**

Between:

Complainant,

— and —

Respondent(s).

The complainant requests that the Board issue a direction under section 91 of the *Labour Relations Act* with respect to the assignment of work hereinafter set forth.

*Strike out
if not
applicable.

*THE COMPLAINANT FURTHER requests that the Board issue an interim order with respect to the work assignment.

*THE COMPLAINANT FURTHER requests that the Board issue a direction that one or more of the named respondents, cease and desist from doing anything intended or likely to interfere with the terms of an interim order respecting the assignment of work.

The complainant states:

1. (a) address and telephone number of complainant:
(b) address of complainant for service:
(c) name and address of each of the above-named respondents:
2. (a) name of any other person, trade union, council of trade unions or employers' organization that may be affected by the complaint:
(b) address of person, trade union, council of trade unions or employers' organization that may be affected by the complaint:
3. The date(s) upon which the act(s) or work assignment(s) complained of occurred:
4. Detailed description of the work in dispute:
5. The work has been assigned to:
6. The material facts upon which the complainant proposes to rely at the hearing:
7. The relief to which the complainant claims to be entitled by reason of such facts:
8. The submissions the complainant proposes to make in support of a claim for relief:
9. The following steps have been taken by or on behalf of the complainant for the adjustment of the matters giving rise to the complaint:
- *10. (Where the complainant requests that an interim order with respect to the work assignment be issued by the Board.) Details of the allegation that a strike is imminent or is taking place by reason of the requirement as to the assignment of work or by reason of the assignment of work:
- *11. (Where the complainant requests that the Board issue a cease and desist direction):
(a) the name of the respondent(s) against whom a cease and desist direction is requested:

(b) the material facts upon which the complainant proposes to rely to establish that the respondent(s) intends or is likely to interfere with the terms of an interim order of the Board respecting the assignment of work.

- *12. (Where the parties to the dispute are in the construction industry, i.e. to whom section 117 to 136 of the Act apply):
- *The complainant has previously filed with the Board the name of its jurisdictional representative.

OR

*The complainant files with the Board the name of its jurisdictional representative on Form 9 under Regulation 544 of Revised Regulations of Ontario, 1980.

(NOTE: Section 136 of the Act requires that the name of a designated jurisdictional representative be filed on the prescribed form. This is Form 9 under Regulation 544 of Revised Regulations of Ontario, 1980 which is to be found immediately prior to the Board's practice notes in the office copy of the Board's Rules of Procedure.)

DATED the.....day of....., 19.....

.....
(signature for the complainant)

O. Reg. 29/71, s. 9, *part.*

FILE NO.

Form 65

Labour Relations Act

NOTICE OF COMPLAINT CONCERNING WORK ASSIGNMENT AND OF HEARING
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Complainant,

—and—

Respondent.

TO:

1. TAKE NOTICE that the complainant has made a complaint, a copy of which is attached, requesting a direction with respect to the assignment of work therein set forth.

2. You shall send to the Board your reply to this complaint so that,

(a) it is received by the Board; or

(b) if mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario M7A 1V4, it is mailed,

not later than the.....day of....., 19.....

3. The complainant has filed with the Registrar certain documents upon which he intends to rely in support of his claim for relief. These documents are available for inspection at the offices of the Board, 400 University Avenue, Toronto, Ontario, during business hours.

4. AND FURTHER TAKE NOTICE that the hearing of the complaint by the Board will take place at its Board Room, 400 University Ave., Toronto, Ontario, on day, the day of, 19....., at o'clock in the noon.

5. THE PURPOSE OF THE HEARING is to hear the evidence and representations of the parties with respect to all matters arising out of and incidental to, the complaint referred to in paragraph 1.

6. IF YOU DO NOT ATTEND AT THE HEARING, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

DATED this day of, 19.....

.....
Registrar,
Ontario Labour Relations Board,

O. Reg. 321/73, s. 15, *part*.

FILE No.....

Form 66

Labour Relations Act

REPLY TO COMPLAINT CONCERNING WORK ASSIGNMENT
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Complainant,

— and —

Respondent.

.....
(name of person, employers' organization, trade union or council of trade unions)
replies to the complaint concerning work assignment as follows:

1. (a) correct name of party making reply:
(b) address of party making reply:
(c) address for service of party making reply:
2. (a) name of any person, trade union, council of trade unions or employers' organization
IN ADDITION TO THOSE NAMED IN THE COMPLAINT that in my (our) opinion
may be affected by the complaint:
(b) address of such person, trade union, council of trade unions or employers' organization:
3. Detailed description of the work in dispute:
4. The work has been assigned to:
5. The submissions I (we) propose to make in connection with the complainant's claim for relief:

DATED this day of, 19.....

.....
signature

Form 67

*Labour Relations Act*APPLICATION FOR CEASE AND DESIST DIRECTION
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

*Strike out
if not
applicable.

The applicant requests that the Board issue a direction that the respondent cease and desist from doing anything intended or likely to interfere with the terms of an *interim order *direction respecting the assignment of work.

The applicant states:

1. (a) address of applicant:
(b) address of applicant for service:
(c) name of respondent:
(d) address of respondent:
2. (a) name of any person, trade union, council of trade unions or employers' organization that in the applicant's opinion may be affected by the application:
(b) address of person, trade union, council of trade unions or employers' organization that in the applicant's opinion may be affected by the application:
3. (a) The date upon which the *interim order *direction was issued by the Board with respect to the work assignment to which this application pertains:
(b) The Board file number of the application in which the *interim order *direction was made is:
(c) The terms of the *interim order *direction issued by the Board:
4. The material facts upon which the applicant proposes to rely to establish that the respondent intends or is likely to interfere with the terms of the *interim order *direction respecting the assignment of work:
5. The direction that the applicant desires the Board to make:

DATED the.....day of....., 19.....

.....
(signature for the applicant)

FILE NO.

Form 68

Labour Relations Act

NOTICE OF REPORT OF LABOUR RELATIONS OFFICER
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,
— and —
Respondent,
— and —
Intervener.

TO:

1. Attached hereto is a copy of the report of.....upon the inquiry he was authorized to make under the Board's direction, dated the.....day of....., 19...., in this matter.

2. TAKE NOTICE that if you desire to make representations as to the accuracy of the report or as to the conclusions the Board should reach in view of the report, you shall send to the Board a statement of desire to make representations which shall,

- (a) be in writing signed by the person making the statement or his representative;
- (b) contain the names of the parties to the application;
- (c) contain a return mailing address; and
- (d) contain a statement as to whether you desire a hearing before the Board in connection with the report.

If you desire to make representations as to the accuracy of the report, your statement of desire must contain a concise statement of your allegations as to errors in or omissions from the report.

If you wish to make representations as to the conclusions the Board should reach in view of the report, your statement must contain a summary of the representations you wish the Board to consider in connection with the report.

3. A statement referred to in paragraph 2 shall be sent to the Board so that,

- (a) it is received by the Board not later than the.....day of....., 19....;
- (b) if it is mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario M7A 1V4, it is mailed not later than theday of, 19....

*4. IF NO STATEMENT OF DESIRE TO MAKE REPRESENTATIONS IS SENT TO THE BOARD IN ACCORDANCE WITH PARAGRAPHS 2 AND 3, THE BOARD MAY DISPOSE OF THE APPLICATION UPON THE MATERIAL BEFORE IT WITHOUT FURTHER NOTICE TO THE PARTIES.

DATED at....., this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board.

*If you do not request a hearing but wish the Board to consider your representations on the report without a hearing, your statement of desire must contain all the representations you desire the Board to consider in connection with the report.

R.R.O. 1970, Reg. 551, Form 41; O. Reg. 474/71, s. 1; O. Reg. 676/75, s. 18.

Form 69

Labour Relations Act

NOTICE OF TAKING OF VOTE BY THE ONTARIO LABOUR RELATIONS BOARD PURPOSE OF VOTE

WHEREAS

has applied to the Board for
certain employees of

AND WHEREAS the Board has directed a representation vote in the matter:

THEREFORE TAKE NOTICE that, under the direction of the Board, a representation vote of the employees described below will be taken under the supervision of officials of the Board.

SECRET BALLOT

The vote shall be by secret ballot. The Returning Officer will issue a ballot to each eligible voter presenting himself to vote at his proper polling place. The voter will mark his ballot in secret in a polling booth, fold it and deposit it in the ballot box provided at the polling place. The Returning Officer is the proper person to whom inquiries should be directed by employees who are in doubt as to their eligibility to vote or as to the voting procedure.

ELECTIONEERING

I direct all interested persons to refrain and desist from propaganda and electioneering from midnight of day, the day of, 19...., until the vote is taken.

SCRUTINEERS

One scrutineer approved by me and representing each interested party may be designated for each polling place. The scrutineers have the following duties and privileges:

1. To act as checkers of voters' lists at the polling place.
2. To assist in the identification of voters.
3. Otherwise to assist in the conduct of the vote as may be required by the Returning Officer.

ELIGIBLE VOTERS

Persons eligible to vote are:

TIME AND PLACE OF TAKING VOTE

Voters may cast ballots at their proper polling place at any time during the period in which voting is to take place.

The vote will be taken at the following time and place:

Date:

Hours:

Place:

FORM OF BALLOT

This is a sample of the ballot to be used for the vote:

The sample ballot will be in one of these forms.

Mark "X" opposite your choice		
IN YOUR EMPLOYMENT RELATIONS WITH		
DO YOU WISH TO BE REPRESENTED BY		
	YES	
	NO	

*

Mark "X" opposite your choice	
IN YOUR EMPLOYMENT RELATIONS WITH	
DO YOU WISH TO BE REPRESENTED BY	
_____ OR _____	

*

Mark "X" opposite your choice	
IN YOUR EMPLOYMENT RELATIONS WITH	
DO YOU WISH TO BE REPRESENTED BY	
_____ OR _____	
_____ OR _____	
No trade union	

DO NOT SIGN, NUMBER, OR OTHERWISE MARK YOUR
BALLOT IN SUCH A WAY AS TO REVEAL YOUR IDENTITY.

VOTERS ARE ENTITLED TO VOTE WITHOUT INTERFERENCE, RESTRAINT OR COERCION.
THIS IS AN OFFICIAL NOTICE OF THE BOARD AND MUST NOT BE REMOVED OR DEFACED.

DATED this.....day of....., 19.....

.....
Registrar,
Ontario Labour Relations Board.

Form 70

FILE NO.

*Labour Relations Act*NOTICE OF REPORT OF RETURNING OFFICER
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent,

— and —

Intervener.

TO:

1. Attached hereto is a copy of my report upon the representation vote herein held on the day of, 19...., under the direction of the Board dated the day of, 19....

2. TAKE NOTICE that if you desire to make representations as to any matter relating to the representation vote, or as to the accuracy of the report, or as to the conclusions the Board should reach in view of the report, you shall send to the Board a statement of desire to make representations which shall,

- (a) be in writing signed by the person making the statement or his representative;
- (b) contain the names of the parties to the application;
- (c) contain a return mailing address; and
- (d) contain a statement as to whether you desire a hearing before the Board in connection with the report.

If you desire to make representations as to any matter relating to the representation vote, or as to the accuracy of the report, your statement of desire must contain a concise statement of your allegations concerning the representation vote or as to errors in or omissions from the report.

If you wish to make representations as to the conclusions the Board should reach in view of the report, your statement should contain a summary of the representations you wish the Board to consider in connection with the report.

3. A statement referred to in paragraph 2 shall be sent to the Board so that,

- (a) it is received by the Board not later than the day of, 19....,
- (b) if it is mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario M7A 1V4, it is mailed not later than the day of, 19....

*4. IF NO STATEMENT OF DESIRE TO MAKE REPRESENTATIONS IS SENT TO THE BOARD IN ACCORDANCE WITH PARAGRAPHS 2 AND 3, THE BOARD MAY DISPOSE OF THE APPLICATION UPON THE MATERIAL BEFORE IT WITHOUT FURTHER NOTICE TO THE PARTIES OR THE EMPLOYEES.

DATED at....., this.....day of....., 19....

.....
Returning Officer

*If you do not request a hearing but wish the Board to consider your representations without a hearing, your statement of desire must contain all the representations you desire the Board to consider.

R.R.O. 1970, Reg. 551, Form 43; O. Reg. 474/71, s. 1.

FILE NO.

Form 71

Labour Relations Act

NOTICE OF REPORT OF RETURNING OFFICER
WHERE PRE-HEARING REPRESENTATION VOTE HAS BEEN HELD
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent,

— and —

Intervener.

TO:

1. Attached hereto is a copy of my report upon the representation vote herein held on the.....day of....., 19...., under the direction of the Board dated the.....day of....., 19....

2. TAKE NOTICE that if you desire to make representations in connection with the application or as to any matter relating to the representation vote, or as to the accuracy of the report, or as to the conclusions the Board should reach in view of the report, you shall send to the Board a statement of desire to make representations which shall,

- (a) be in writing signed by the person making the statement or his representative;
- (b) contain the names of the parties to the application;
- (c) contain a return mailing address; and
- (d) contain a statement as to whether you desire a hearing before the Board in connection with the report.

If you desire to make representations in connection with the application or as to any matter relating to the representation vote, or as to the accuracy of the report, your statement of desire must contain a concise statement of your allegations concerning the application or the representation vote or as to errors in or omissions from the report.

If you wish to make representations as to the conclusions the Board should reach in view of the report, your statement should contain a summary of the representations you wish the Board to consider in connection with the report.

3. A statement referred to in paragraph 2 shall be sent to the Board so that,

(a) it is received by the Board not later than the.....day of....., 19....;

(b) if it is mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto Ontario M7A 1V4, it is mailed not later than the day of 19....

***4. IF NO STATEMENT OF DESIRE TO MAKE REPRESENTATIONS IS SENT TO THE BOARD IN ACCORDANCE WITH PARAGRAPHS 2 AND 3, THE BOARD MAY DISPOSE OF THE APPLICATION UPON THE MATERIAL BEFORE IT WITHOUT FURTHER NOTICE TO THE PARTIES OR THE EMPLOYEES.**

DATED at....., this.....day of....., 19....

.....
Returning Officer

*If you do not request a hearing but wish the Board to consider your representations without a hearing, your statement of desire must contain all the representations you desire the Board to consider.

R.R.O. 1970, Reg. 551, Form 44; O. Reg. 474/71, s. 1.

Form 72

FILE No.....

Labour Relations Act

NOTICE OF REPORT OF RETURNING OFFICER WHERE BOARD HAS DIRECTED THAT BALLOT BOX BE SEALED BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent,

— and —

Intervener.

TO:

1. Attached hereto is a copy of my report upon the representation vote herein held on the.....day of....., 19...., under the direction of the Board dated the.....day of....., 19....

2. The Board has directed that the ballot box containing the ballots cast in the representation vote be sealed and that the ballots shall not be counted at this time.

3. TAKE NOTICE that if you desire to make representations,

(a) as to any matter relating to the representation vote; or

(b) (where a pre-hearing representation vote has been held) in connection with the application;

you shall send to the Board a statement of desire to make representations which shall,

i. be in writing signed by the person making the statement or his representative,

ii. contain the names of the parties to the application,

- iii. contain a return mailing address, and
- iv. contain a statement as to whether you desire a hearing before the Board.

Your statement of desire must contain a summary of the representations you wish the Board to consider.

4. A statement referred to in paragraph 3 shall be sent to the Board so that,

- (a) it is received by the Board not later than the day of, 19....,
- (b) if it is mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto Ontario M7A 1V4, it is mailed not later than the day of, 19....

***5. IF NO STATEMENT OF DESIRE TO MAKE REPRESENTATIONS IS SENT TO THE BOARD IN ACCORDANCE WITH PARAGRAPHS 3 AND 4, THE BOARD MAY DISPOSE OF THE APPLICATION UPON THE MATERIAL BEFORE IT ON ALL MATTERS EXCEPT AS TO THE RESULT OF THE VOTE WITHOUT FURTHER NOTICE TO THE PARTIES OR THE EMPLOYEES.**

DATED at, this day of, 19....

.....
Returning Officer

***If you do not request a hearing but wish the Board to consider your representations without a hearing, your statement of desire must contain all the representations you desire the Board to consider.**

R.R.O. 1970, Reg. 551, Form 45; O. Reg. 474/71, s. 2.

Form 73

FILE NO.

Labour Relations Act

NOTICE OF REPORT OF RETURNING OFFICER ON COUNTING OF BALLOTS BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

— and — Applicant,
— and — Respondent,
Intervener.

TO:

1. Attached hereto is a copy of my report upon the counting of the ballots in the representation vote herein held on the day of, 19...., under the direction of the Board dated the day of, 19....

2. TAKE NOTICE that if you desire to make representations as to the accuracy of the report, or as to the conclusions the Board should reach in view of the report, you shall send to the Board a statement of desire to make representations which shall,

- (a) be in writing signed by the person making the statement or his representative;
- (b) contain the names of the parties to the application;

- (c) contain a return mailing address; and
- (d) contain a statement as to whether you desire a hearing before the Board in connection with the report.

If you desire to make representations as to the accuracy of the report, your statement of desire must contain a concise statement of your allegations concerning the errors in or omissions from the report.

If you wish to make representations as to the conclusions the Board should reach in view of the report, your statement should contain a summary of the representations you wish the Board to consider in connection with the report.

3. A statement referred to in paragraph 2 shall be sent to the Board so that,
- (a) it is received by the Board not later than the.....day of....., 19....;
 - (b) if it is mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario M7A 1V4, it is mailed not later than the day of, 19....

*4. IF NO STATEMENT OF DESIRE TO MAKE REPRESENTATIONS IS SENT TO THE BOARD IN ACCORDANCE WITH PARAGRAPHS 2 AND 3, THE BOARD MAY DISPOSE OF THE APPLICATION UPON THE MATERIAL BEFORE IT WITHOUT FURTHER NOTICE TO THE PARTIES OR THE EMPLOYEES.

DATED at....., this.....day of....., 19....

.....
Returning Officer

*If you do not request a hearing but wish the Board to consider your representations without a hearing, your statement of desire must contain all the representations you desire the Board to consider.

R.R.O. 1970, Reg. 551, Form 46; O. Reg. 474/71, s. 1.

Form 74

FILE NO.....

Labour Relations Act

RETURN OF POSTING
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

*State number of notices posted. I,, hereby declare that:
(name)
(1) I am theof the respondent.
(office or position)
(2) I did ata.m./p.m. on the day of....., 19....
post upon the premises of the respondent *.....notices in this matter, in conspicuous places where they are most likely to come to the attention of all employees who may be affected by the application.

DATED at....., this.....day of....., 19.....

.....
signature

R.R.O. 1970, Reg. 551, Form 47; O. Reg. 676/75, s. 19, revised.

Form 75

Labour Relations Act

APPLICATION FOR CERTIFICATION, CONSTRUCTION INDUSTRY BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

The applicant applies to the Ontario Labour Relations Board for certification as bargaining agent of the employees of the respondent in a unit that it claims to be appropriate for collective bargaining.

The applicant states:

1. (a) address of applicant:
(b) address of applicant for service:
(c) address of respondent:
(d) telephone number of respondent:
- *2. (Where the applicant is a council of trade unions) The name and address of each constituent union of the council of trade unions that is the applicant:
3. General nature of the respondent's business:
4. Specific nature of the respondent's business affected by the application:
5. Nature of the work performed by the employees in the bargaining unit that the applicant claims to be appropriate for collective bargaining:
6. Description and site or sites of the jobs at which the work referred to in paragraph 5 is being performed:
7. Detailed description of the unit of employees of the respondent that the applicant claims to be appropriate for collective bargaining, including the municipality or other geographic area affected:
8. Approximate number of employees in the unit described in paragraph 7:
9. The name and address of any trade union or council of trade unions known to the applicant as claiming to be the bargaining agent of, or as claiming to represent, any employees who may be affected by this application:
10. Other relevant statements (attach additional pages if necessary):
11. *(1) The applicant consents to the application being disposed of by the Board without a hearing by the Board:

OR

- *(2) The applicant consents to the application being disposed of by the Board without a hearing by the Board and makes the following representations thereon (use additional pages if necessary):

OR

* (3) The applicant requests a hearing of the application by the Board and undertakes to attend a hearing of the Board for this purpose. The applicant states in support of this request as follows (use additional pages if necessary):

DATED at....., this.....day of....., 19.....

.....
signature for the applicant

DECLARATION

*Strike out if not applicable. I,.....the.....
(name) (office)
of the *applicant herein, declare that:
*intervener

1. I have knowledge of the affairs of the *applicant;
*intervener;
2. The *applicant is a *trade union
*intervener is a *council of trade unions that according to established trade union practice pertains to the construction industry.

DATED at....., this.....day of....., 19.....

.....
signature for the *applicant
*intervener

R.R.O. 1970; Reg. 551, Form 49; O. Reg. 676/75, s. 20.

FILE No.....

Form 76

Labour Relations Act

NOTICE OF FIXING TERMINAL DATE, CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

TO THE APPLICANT,

1. TAKE NOTICE that, in accordance with the Board's direction, I have fixed the day of
....., 19....., as the terminal date for this application.
2. Your attention is directed to subsections 73 (1) and (2) of the Board's Rules of Procedure, which read as follows:

73.—(1) Evidence of membership in a trade union or of objection by employees to certification of a trade union or of signification by employees that they no longer wish to be represented by a trade union shall not be accepted by the Board on an application for certification or for a declaration terminating bargaining rights unless the evidence is in writing, signed by the employee or each member of a group of employees, as the case may be, and

- (a) is accompanied by,
 - (i) the return mailing address of the person who files the evidence, objection or signification, and,
 - (ii) the name of the employer; and
- (b) is filed not later than the terminal date for the application.

(2) No oral evidence of membership in a trade union or of objection by employees to certification of a trade union or of signification by employees that they no longer wish to be represented by a trade union shall be accepted by the Board except to identify and substantiate the written evidence referred to in subsection (1).

3. If the Board determines that a hearing of this application is to be held, the applicant will be served with a Notice of Hearing in Form 79.

DATED this.....day of....., 19....

.....
Registrar

R.R.O. 1970; Reg. 551, Form 50; O. Reg. 474/71, s. 1, revised.

FILE NO.....

Form 77

Labour Relations Act

NOTICE OF APPLICATION FOR CERTIFICATION, CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

TO THE RESPONDENT,

1. TAKE NOTICE that the applicant, on....., 19...., made an application to the Ontario Labour Relations Board for certification as bargaining agent of your employees in a bargaining unit described in the attached copy of the application.

2. You are required to post the enclosed Notice to Employees of Application (Form 78), immediately. These notices are to be posted in conspicuous places where they are most likely to come to the attention of all employees who may be affected by the application. You shall keep them posted upon your premises until the close of business on the terminal date shown in paragraph 4.

3. You shall complete and send to the Board immediately the Return of Posting (Form 74), which is attached hereto.

4. The terminal date fixed for this application as directed by the Board is the day of, 19....

5. You shall send to the Board your reply as well as the material listed below so that:

- (a) it is received by the Board not later than the terminal date shown in paragraph 4; or
- (b) if it is mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario M7A 1V4, it is mailed not later than the terminal date shown in paragraph 4:

- 1. A list arranged as in the attached Schedules of all employees in the bargaining unit described in the application as at, the date when the applicant's application was made.
- 2. Documents from among existing employment records containing signatures of the employees whose names appear on the list referred to above arranged in alphabetical order.

6. If, in your reply, you propose a bargaining unit different from the one proposed by the applicant, you shall indicate on the list of employees referred to in paragraph 5 the name and classification of any person you propose should be excluded from, as well as the name and classification of any person you propose should be added to, the bargaining unit proposed by the applicant and you shall forward to the Board appropriate documents containing the signatures of additional persons, if any.

7. You shall verify the list of employees by adding thereto the following statement:

"This list has been prepared by me or under my instruction and I hereby confirm the accuracy thereof."

.....
signature

8. If you fail to file a reply or the list of employees and documents containing signatures as set out above within the time fixed by paragraph 5 of this notice or if your reply is incomplete, the Board may proceed to dispose of the application on the evidence and representations before it without further notice to you and without a hearing.

9. If the Board determines that a hearing of this application is to be held, the respondent will be served with a Notice of Hearing in Form 79.

10. (Where the applicant is a council of trade unions) **AND FURTHER TAKE NOTICE** that the applicant has filed with the Registrar certain documents upon which it intends to rely to satisfy the Board that each of the trade unions that is a constituent union of the council has vested appropriate authority in the council to enable it to discharge the responsibilities of a bargaining agent. These documents are available for inspection at the office of the Board, 400 University Avenue, Toronto, Ontario, during business hours.

DATED this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board.

SCHEDULE A

List (alphabetically arranged) of all employees in the bargaining unit described in the application of the applicant as at the.....day of....., 19.... (Do not include the names of employees that appear in B, C or D.)

Name	Occupational Classification
1.	
2.	
3.	
4.	
5.	

SCHEDULE B

List (alphabetically arranged) of all employees regularly employed for not more than twenty-four hours per week in the bargaining unit described in the application of the applicant as at the..... day of....., 19....

Name	Occupational Classification
1.	
2.	
3.	
4.	
5.	

SCHEDULE C

List (alphabetically arranged) of all employees who were not actually at work on the.....day of....., 19...., by reason of lay-off, in the bargaining unit described in the application of the applicant as at the.....day of....., 19....

Name	Occupational Classification	Date of Lay-off	Expected Date of Recall
1.			
2.			
3.			
4.			
5.			

SCHEDULE D

List (alphabetically arranged) of all employees not previously shown who were not at work on the.....day of....., 19...., in the bargaining unit described in the application of the applicant as at the.....day of....., 19.....

Name	Occupational Classification	Last Day Worked	Reason for Absence	Expected Date of Return
1.				
2.				
3.				
4.				
5.				

R.R.O. 1970, Reg. 551, Form 51; O. Reg. 474/71, s. 1, *revised*.

Form 78

FILE NO.....

Labour Relations Act

NOTICE TO EMPLOYEES OF APPLICATION FOR CERTIFICATION,
CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

TO THE EMPLOYEES OF

1. TAKE NOTICE that the applicant, on....., 19...., made an application to the Ontario Labour Relations Board for certification as bargaining agent of..... in the following bargaining unit:

2. Your attention is directed to the following information contained in the application:

3. The terminal date fixed for this application as directed by the Board is the.....day of....., 19.....

4. Any employees or group of employees affected by the application and desiring to make representations to the Board in opposition to this application must send to the Board a statement in writing of such desire, which shall,

- (a) contain the return mailing address of the employee or representative of a group of employees;
- (b) contain the name of the employer concerned; and
- (c) be signed by the employee or each member of a group of employees.

5. The statement of desire must be,

(a) received by the Board not later than the terminal date shown in paragraph 3; or

(b) if it is mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario M7A 1V4, mailed not later than the terminal date shown in paragraph 3.

6. A statement of desire that does not comply with paragraphs 4 and 5 will not be accepted by the Board.

7. Should the Board direct that a hearing of the application take place before the Board, any employee, or group of employees, who has informed the Board in writing of his or their desire in accordance with paragraphs 4 and 5 may attend and be heard at the hearing in person or by a representative. Any employee or representative who appears at the hearing will be required to testify, or produce a witness or witnesses who will be able to testify from his or their personal knowledge and observation, as to (a) the circumstances concerning the origination of the material filed, and (b) the manner in which each of the signatures was obtained.

THE BOARD MAY DISPOSE OF THE APPLICATION WITHOUT FURTHER NOTICE TO AND WITHOUT CONSIDERING THE STATEMENT OF DESIRE OF ANY PERSON WHO FAILS TO ATTEND.*

8. No oral evidence of membership in a trade union, or of objection by employees to certification of the applicant, will be accepted by the Board except to identify and substantiate such written evidence.

9. If the Board determines that a hearing of this application is to be held, any employee or group of employees, who has informed the Board in writing of his or their desire in accordance with paragraphs 4 and 5, will be served with a Notice of Hearing in Form 79.

10. (Where the applicant is a council of trade unions) AND FURTHER TAKE NOTICE that the applicant has filed with the Registrar certain documents upon which it intends to rely to satisfy the Board that each of the trade unions that is a constituent union of the council has vested appropriate authority in the council to enable it to discharge the responsibilities of a bargaining agent. These documents are available for inspection at the offices of the Board, 400 University Avenue, Toronto, Ontario, during business hours.

DATED this day of, 19.....

.....
Registrar,
Ontario Labour Relations Board.

Note: All communications should be addressed to:

The Registrar,
Ontario Labour Relations Board,
400 University Avenue,
Toronto, Ontario, M7A 1V4.

*EXPLANATORY NOTE: Where employees fail to attend in person or by a representative or to testify or produce witnesses to testify as provided in paragraph 7 above, the Board normally does not accept the statement of desire as casting doubt on the evidence of membership filed by the applicant.

FILE NO.

Form 79

*Labour Relations Act*NOTICE OF HEARING, CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

—and—

Respondent,

—and—

Intervener.

TO:

1. TAKE NOTICE that the Board has directed a hearing of the application for certification of the applicant.

2. AND FURTHER TAKE NOTICE that the hearing will take place at the Board Room, 400 University Avenue, Toronto, Ontario, on day, the day of, 19...., at o'clock in the noon.

3. THE PURPOSE OF THE HEARING is:

4. IF YOU DO NOT ATTEND AT THE HEARING, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

DATED this day of, 19....

.....
Registrar,
Ontario Labour Relations Board.

O. Reg. 321/73, s. 15, *part*.

Form 80

*Labour Relations Act*DECLARATION CONCERNING MEMBERSHIP DOCUMENTS,
CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent,

— and —

Intervener.

*Strike out if not applicable. I, , the of the
 (name) (office)
 *applicant
 *intervener herein, declare that, to the best of my knowledge, information and belief:

1. The documents submitted in support of the application represent documentary evidence of membership on behalf of persons who were employees
 (number)
 of the respondent in the bargaining unit that the *applicant
 *intervener herein claims to be appropriate for collective bargaining, on the date of the making of the application.
2. There were persons who were employees of the respondent in the
 (number)
 bargaining unit that the *applicant
 *intervener herein claims to be appropriate for collective bargaining, on the date of the making of the application.
3. (Where the documentary evidence consists in part of receipts or other acknowledgments of the payment on account of dues or initiation fees) On the basis of my personal knowledge and inquiries that I have made, I state that the persons whose names appear on the receipts or other acknowledgments of payment on account of dues or initiation fees are the persons who actually collected the moneys paid on account of dues or initiation fees and that each member, on whose behalf a receipt or an acknowledgment of payment is submitted has personally paid in money the amount shown thereon on his own behalf to the person whose name appears on his receipt or acknowledgment of payment as collector, EXCEPT IN THE FOLLOWING INSTANCES:

DATED at, this day of, 19.....

.....
 signature

R.R.O. 1970, Reg. 551, Form 54.

FILE No.

Form 81

Labour Relations Act

REPLY TO APPLICATION FOR CERTIFICATION, CONSTRUCTION INDUSTRY
 BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

The respondent replies to the application for certification as follows:

The respondent states:

1. (a) correct name of respondent:
 (b) address of respondent:
 (c) address of respondent for service:
 (d) telephone number of respondent:
2. General nature of the respondent's business:

3. Specific nature of the respondent's business affected by the application:
4. Nature of the work performed by the employees in the bargaining unit that the applicant claims to be appropriate for collective bargaining:
5. Description and site or sites of the job or jobs at which the work referred to in paragraph 4 is being performed:
6. Total number of employees of the respondent on the job or jobs in respect of which the application for certification has been made:
7. Number of employees in the unit described by the applicant as being appropriate for collective bargaining as of the date the application was made:
8. Detailed description of the unit of employees claimed by the respondent to be appropriate for collective bargaining, including the municipality or other geographic area affected:
9. Number of employees in the unit claimed by the respondent to be appropriate for collective bargaining as of the date the application was made:
10. The name and address of any trade union known to the respondent as claiming to be the bargaining agent of or to represent any employees who may be affected by the application:
11. The date of any certification of a bargaining agent of any employees who may be affected by the application:

*Strike out
if not
applicable.

- *12. The respondent is or was a party to or bound by collective agreement, a copy of which is enclosed, with a trade union or council of trade unions that,

(a) was signed on the.....day of....., 19....;

(b) became effective on the.....day of....., 19....; and

(c) contains the following provision relating to its termination or renewal:

13. Other relevant statements (use additional pages if necessary):

14. *(1) The respondent consents to the application being disposed of by the Board without a hearing by the Board:

OR

- *(2) The respondent consents to the application being disposed of by the Board without a hearing by the Board and makes the following representations thereon (use additional pages if necessary):

OR

- *(3) The respondent requests a hearing of the application by the Board and undertakes to attend a hearing of the Board for this purpose. The respondent states in support of this request as follows (use additional pages if necessary):

DATED at....., this.....day of....., 19....

.....
signature for the respondent

FILE NO.....

Form 82

*Labour Relations Act*NOTICE OF APPLICATION, CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

1. TAKE NOTICE that the applicant, on....., 19...., made an application to the Ontario Labour Relations Board for certification as bargaining agent of employees of the respondent in a bargaining unit described in the attached copy of application.

2. AND FURTHER TAKE NOTICE that if you claim to represent any of the employees affected by the application you shall,

(1) if you have not already done so, notify the registrar immediately by telegram of your claim and of your intention to intervene in the proceedings; and

(2) send to the Board your intervention thereon so that,

(a) it is received by the board; or

(b) if mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario, M7A 1V4, it is mailed,

not later than the terminal date fixed for this application as directed by the Board, which terminal date is the.....day of....., 19....

3. IF YOU FAIL TO comply with the requirements of paragraph 2 you may be deemed by the Board to have abandoned your claim, if any, to represent any of the employees who may be affected by the application and the Board may proceed to dispose of the application on the evidence and representations before it without further notice to you and without a hearing.

4. If the Board determines that a hearing of this application is to be held, the intervener will be served with a Notice of Hearing in Form 79.

5. (Where the applicant is a council of trade unions) AND FURTHER TAKE NOTICE that the applicant has filed with the registrar certain documents upon which it intends to rely to satisfy the Board that each of the trade unions that is a constituent union of the council has vested appropriate authority in the council to enable it to discharge the responsibilities of a bargaining agent. These documents are available for inspection at the offices of the Board, 400 University Avenue, Toronto, Ontario, during business hours.

DATED this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board.

FILE No.

Form 83

Labour Relations Act

INTERVENTION, CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

.....
(name of intervener)

intervenes in this proceeding.

1. The intervener states:

(a) address of intervener:

(b) address of intervener for service:

2. The intervener is a *trade union
*council of trade unions that,

*Strike out
if not
applicable.

*(a) represents employees; or

*(b) is the bargaining agent of employees who may be affected by the application.

3. The intervener submits with this intervention the following documentary evidence:

4. *(1) The intervener consents to the application being disposed of by the Board
without a hearing by the Board;

OR

*(2) The intervener consents to the application being disposed of by the Board
without a hearing by the Board and makes the following representations
thereon (use additional pages if necessary):

OR

*(3) The intervener requests a hearing of the application by the Board and
undertakes to attend a hearing of the Board for this purpose. The
intervener states in support of this request as follows (use additional
pages if necessary):

DATED at, this day of, 19.....

.....
signature for the intervener

FILE NO.

Form 84

Labour Relations Act

APPLICATION FOR CERTIFICATION BY INTERVENER,
CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent,

— and —

Intervener.

The intervener applies to the Ontario Labour Relations Board for certification as bargaining agent of the employees of the respondent in a unit that it claims to be appropriate for collective bargaining.

The intervener states:

- 1. (a) address of intervener:

(b) address of intervener for service:

- *2. (Where the intervener is a council of trade unions) The name and address of each constituent union of the council of trade unions that is the intervener:

- 3. Detailed description of the unit of employees of the respondent that the intervener claims to be appropriate for collective bargaining, including the municipality or other geographic area affected:

- 4. Approximate number of employees in the unit described in paragraph 3:

- 5. If the intervener is seeking certification for a bargaining unit of employees of an employer in the construction industry,
 - (a) nature of the work performed by the employees in the bargaining unit that the intervener claims to be appropriate for collective bargaining:

 - (b) description and site or sites of the job or jobs at which the work referred to in sub-paragraph (a) is being performed:

- 6. Other relevant statements (attach additional pages if necessary):

*Strike out
if not
applicable.

- 7. *(1) The intervener consents to the application being disposed of by the Board without a hearing by the Board:

OR

*(2) The intervener consents to the application being disposed of by the Board without a hearing by the Board and makes the following representations thereon (use additional pages if necessary):

OR

- *(3) The intervener requests a hearing of the application by the Board and undertakes to attend a hearing of the Board for this purpose. The intervener states in support of this request as follows (use additional pages if necessary):

DATED at, this day of, 19.....

.....
signature for the intervener

R.R.O. 1970, Reg. 551, Form 58.

Form 85

Labour Relations Act

APPLICATION FOR ACCREDITATION, CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

The applicant applies to the Ontario Labour Relations Board for accreditation as the bargaining agent for the employers, whose employees are bargained for by the respondent, in a unit of employers that the applicant claims is appropriate for accreditation.

The applicant states:

1. (a) address and telephone number of applicant:
(b) address of applicant for service:
(c) address of respondent:
2. The applicant files with this application the following documentary evidence of its status as an employers' organization: (List the charter, constitution or by-laws filed with this application.)
3. The respondent trade union or council of trade unions has been certified or has been granted voluntary recognition or has entered into a collective agreement with two or more employers in the unit of employers proposed by the applicant. Two such employers are: (List at least two such employers, and include the dates of the documents relied on.)
4. Detailed description of the unit of employers that the applicant claims to be appropriate for accreditation: (Reference *must* be made to the sector(s) of the construction industry claimed and to the geographic area affected.)
5. Representations as to the appropriateness of the unit described in paragraph 4, including the history of collective bargaining, if any, of the applicant and the respondent: (Use additional sheets as required.)
6. Approximate number of employers in the unit described in paragraph 4:
7. Approximate number of employees affected by this application:
8. The name and address of any employers' organization, trade union or council of trade unions which may have an interest in this application:

9. The nature of the authority relied upon by the applicant to act as bargaining agent for employers in the unit of employers: (For example, authority to act as bargaining agent may, in the case of memberships in the applicant, stem from the applicant's constitution or by-laws; or in the case of members or non-members from a specific authorization by an employer.)

10. Other relevant statements: (Attach additional pages if necessary.)

DATED at....., this.....day of....., 19.....
.....
(signature for the applicant)

DECLARATION

I,the.....of
(name) (office)
the applicant herein, declare that:

- 1. I have knowledge of the affairs of the applicant;
- 2. The applicant is an employers' organization that represents employers who operate businesses in the construction industry.

DATED at....., this.....day of....., 19.....
.....
(signature for the applicant)

O. Reg. 29/71, s. 10, *part*.

FILE NO.

Date Application Made.....

Form 86

Labour Relations Act

NOTICE OF FIXING TERMINAL DATE
ACCREDITATION, CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,
— and —
Respondent.

TO THE APPLICANT:

- 1. TAKE NOTICE that, in accordance with the Board's direction, I have fixed the
.....day of....., 19....., as the terminal date for
this application.

2. Your attention is directed to subsections 120 (1) and (2) of the Board's Rules of Procedure, which reads as follows:

120.—(1) Evidence of representation of an employer by an employers' organization or of objection by employers to accreditation of an employers' organization or to termination of accreditation as bargaining agent or of signification by employers that they no longer wish to be represented by an accredited employers' organization shall not be accepted by the Board on an application for accreditation or for a declaration terminating accreditation as bargaining agent unless the evidence is in writing signed by the employer, or each member of a group of employers, as the case may be, and,

(a) is accompanied by the return mailing address of the person who files such evidence, objection or signification; and

(b) in the case of evidence of representation or of signification, contains the name, address and telephone number of the employer, the name and telephone number of a person to whom telephone or other inquiries should be addressed and is filed not later than the terminal date for the application; and

(c) in the case of evidence of objection, contains the name, address and telephone number of each objecting employer, the name of the employers' organization and is filed not later than the employer date for an employer intervention.

(2) No oral evidence of representation by an employers' organization or of objection by employers to accreditation of an employers' organization or to an application for termination of accreditation as the bargaining agent or of signification by employers that they no longer wish to be represented by an accredited employers' organization shall be accepted by the Board except to identify and substantiate the written evidence referred to in subsection (1).

*3. Your attention is also directed to section 108 of the Board's Rules of Procedure, which reads as follows:

*not applicable to termination of accreditation as bargaining agent.

108. An applicant shall file the documents upon which it intends to rely to satisfy the Board that each of the employers whom it represents has vested appropriate authority in the applicant employers' organization to enable it to discharge the responsibilities of an accredited bargaining agent not later than the terminal date.

4. In accordance with the Board's Rules of Procedure you will be notified of the date set for the hearing of this application after the Board sets the employer date for this application.

DATED this.....day of....., 19.....

.....
Registrar,
Ontario Labour Relations Board.

FILE NO.

Form 87

Labour Relations Act

NOTICE OF APPLICATION FOR ACCREDITATION CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

TO THE RESPONDENT:

1. TAKE NOTICE that the applicant, on....., 19...., made an application to the Ontario Labour Relations Board for accreditation as bargaining agent for employers whose employees are represented by you, in a unit of employers described in the attached copy of the application.

2. The terminal date fixed for this application as directed by the Board is the.....day of....., 19....

3. You shall send to the Board your reply as well as the material listed below so that:

(a) it is received by the Board not later than the terminal date shown in paragraph 2; or

(b) if it is mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario, M7A 1V4, it is mailed not later than the terminal date shown in paragraph 2.

1. A list arranged as in the attached Schedules of all employers described in the application as at the date when the applicant's application was made.

2. For each employer listed in the attached Schedules, the address and, if known, the telephone number.

3. For each of the employers listed in the attached schedules a reference to the type of document upon which you base your claim to represent employees of each of the employers, whether collective agreement, recognition agreement, or certificate, together with the operative date for such document.

4. If, in your reply you propose a unit of employers different from the one proposed by the applicant you should indicate on the list of employers referred to in paragraph 3 the name of any employer you propose should be excluded from, as well as the name of any employer you propose should be added to, the unit of employers proposed by the applicant.

5. You shall verify the list of employers by adding thereto the following statement:

"This list has been prepared by me or under my instruction and I hereby confirm the accuracy thereof."

.....
(signature)

6. In accordance with the Board's Rules of Procedure you will be notified of the date set for the hearing of this application after the Board sets the employer date for this application for accreditation.

DATED this day of, 19....

.....
Registrar,
Ontario Labour Relations Board.

SCHEDULE E— LIST OF EMPLOYERS — ACCREDITATION

(Accompanying Form 87—to the respondent trade union)

List (alphabetically arranged) of all employers in the following unit of employers:

.....

.....

.....

on behalf of whose employees is entitled to bargain as of the
day of, 19....

INSTRUCTIONS

1. Under source of "Bargaining Rights" indicate whether respondent is entitled to bargain as a result of a collective agreement, a recognition agreement or a certificate of The Labour Relations Board that has not yet resulted in a collective agreement.
2. Under "Relevant Date" give the date of the collective agreement, recognition agreement or certificate, as the case may be.
3. Do not include employers listed in Schedule F, but include employers listed in Schedule G.

Name, address and telephone number of Employer	Source of Bargaining Rights	Relevant Date
1.
2.
3.
4.
5.

SCHEDULE F— LIST OF EMPLOYERS — ACCREDITATION

(Accompanying Form 87—to the respondent trade union)

List (alphabetically arranged) of all employers in the following unit of employers:

.....

.....

.....

on behalf of whose employees is entitled to bargain as of the
day of, 19.....,

but who have not, to the respondent's knowledge, had employees performing any work in the geographic area set out in the above unit of employers or sector (e.g. industrial, commercial and institutional, residential, etc.) set out in the above unit of employers *within the period of one year prior to the date of the making of the application.*

INSTRUCTION

- 1. Under source of "Bargaining Rights" indicate whether respondent is entitled to bargain as a result of a collective agreement, a recognition agreement or a certificate of The Labour Relations Board that has not yet resulted in a collective agreement.
- 2. Under "Relevant Date" give the date of the collective agreement, recognition agreement or certificate, as the case may be.
- 3. Do not include employers listed in Schedule E.

Name, address and telephone number of Employer	Source of Bargaining Rights	Relevant Date	Last Day Known to Have Had Employees
1.
.....
.....
.....
2.
.....
.....
.....
.....
3.
.....
.....
.....

SCHEDULE G— LIST OF EMPLOYERS — ACCREDITATION

(Attached to Form 87—to the respondent trade union)

List (alphabetically arranged) of all employers in the following unit of employers:

.....
.....
.....

on behalf of whose employees is entitled to bargain as of the
day of, 19....,

but for whom the union is entitled to bargain for a different geographic area (either larger or smaller) than that set out in the above unit of employers.

Name, address and telephone number of Employer	Source of Bargaining Rights	Relevant Date	Area (Use additional pages if necessary)
1.
2.
3.
4.

FILE NO.

Form 88

Labour Relations Act

DECLARATION CONCERNING REPRESENTATION DOCUMENTS
APPLICATION FOR ACCREDITATION, CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

—and—

Respondent.

I,, the of the applicant herein,
(name) (office)

declare that, to the best of my knowledge, information and belief:

1. The documents submitted in support of the application represent documentary evidence of the representation of employers who were employers in the unit of
(number)
employers that the applicant herein claims to be appropriate for accreditation on the date of the making of the application.
2. On the basis of my personal knowledge and inquiries that I have made, I state that each of the signatures for each of the employers on behalf of whom such documentary evidence is submitted is the actual signature of such person and that such signatories had the authority to sign such documents.

DATED at, this day of, 19....

.....
(signature)

O. Reg. 29/71, s. 10, *part.*

FILE NO.

Form 89

Labour Relations Act

REPLY TO APPLICATION FOR ACCREDITATION CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

—and—

Respondent.

The respondent replies to the application for accreditation as follows:

The respondent states:

1. (a) correct name of respondent:
(b) address and telephone number of respondent:
(c) address of respondent for service:
2. Detailed description of the unit of employers claimed by the respondent to be appropriate for accreditation: (Reference *must* be made to the sector(s) of the construction industry and to the geographic area affected.)

- 3. Representations as to the appropriateness of the unit of employers described in paragraph 2 including the history of collective bargaining, if any, of the applicant and respondent: (Use additional pages, if necessary.)
- 4. The number of employers in the unit described by the applicant as being appropriate for accreditation as of the date the application was made:
- 5. The number of employers in the unit claimed by the respondent to be appropriate for accreditation:
- 6. Approximate number of members of the respondent working in the area and sector described in the unit of employers claimed by the applicant, as of the date the application was made:
- 7. The names and addresses of any employers' organization, trade union or council of trade unions which may have an interest in this application:
- 8. Other relevant statements: (use additional pages, if necessary.)

DATED at , this day of , 19....

.....
(signature for the respondent)
O. Reg. 29/71, s. 10, *part*.

FILE NO.

Form 90

Labour Relations Act

NOTICE OF APPLICATION FOR ACCREDITATION, CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

—and—

Applicant,

Respondent.

TO:
(trade union, council of trade unions, or employers' organization)

1. TAKE NOTICE that the applicant, on , 19.., made to the Ontario Labour Relations Board an application for accreditation as bargaining agent for a unit of employers described in the attached copy of the application.

2. AND FURTHER TAKE NOTICE that if you claim any interest in this application, you shall send to the Board your intervention thereon so that,

- (a) it is received by the Board; or
- (b) if mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario, M7A 1V4, it is mailed,

not later than the terminal date fixed for this application as directed by the Board, which terminal date is the day of , 19...., and that if you fail so to send an inter-
vention not later than the day of , 19...., you may be deemed by
the Board to have abandoned your claim, if any, to any interest in this application.

DATED this day of , 19....

.....
Registrar,
Ontario Labour Relations Board.
O. Reg. 29/71, s. 10, *part*; O. Reg. 474/71, s. 1.

Form 91

Labour Relations Act

INTERVENTION, ACCREDITATION OR TERMINATION OF
ACCREDITATION AS BARGAINING AGENT, CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

—and—

Respondent.

..... intervenes in this proceeding.
(name of intervener)

The intervener states:

1. (a) address and telephone number of intervener:

(b) address of intervener for service:

*Strike
out words
not
applicable

*trade union

2. The intervener is a *council of trade unions that claims an interest in this proceeding
*employers' organization

for the following reasons:

3. The intervener submits with this intervention the following documentary evidence
in support of its claim to an interest in this proceeding.

4. The intervener desires to make the following submissions:

DATED at, this day of, 19....

.....
(signature for the intervener)

O. Reg. 29/71, s. 10, *part*.

FILE NO.

Form 92

Labour Relations Act

NOTICE OF HEARING, ACCREDITATION, CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

—and—

Respondent,

—and—

Intervener.

TO:

*Strike out
if not
applicable

1. TAKE NOTICE that the Board has directed a hearing of the application for
*accreditation of the applicant.
*termination of the accreditation of the respondent as bargaining agent.

2. AND FURTHER TAKE NOTICE that the hearing will take place at the Board Room, 400 University Avenue, Toronto, Ontario, on day, the day of
....., 19....., at o'clock in the noon.

3. THE PURPOSE OF THE HEARING IS:

4. IF YOU DO NOT ATTEND AT THE HEARING, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

DATED this day of , 19.....

.....
Registrar,
Ontario Labour Relations Board.

NOTES

1. Where the purpose of the hearing includes an inquiry into a statement of desire filed by an employer or group of employers, the attention of such employer or group of employers is directed to subsection 120 (5) of the Board's Rules of Procedure which provides:

(5) The Board may dispose of an application without considering the statement of desire of any employer who fails to appear in person or by a representative and adduce evidence that includes testimony in the personal knowledge and observation of the witness as to,

- (a) the circumstances concerning the origination of the statement of desire; and
- (b) the manner in which each signature on the statement of desire was obtained.

2. All communications should be addressed to: The Registrar, Ontario Labour Relations Board, 400 University Avenue, Toronto, Ontario, M7A 1V4.

O. Reg. 321/73, s. 16, *part*.

FILE NO.

Form 93

Labour Relations Act

NOTICE TO EMPLOYERS OF APPLICATION FOR ACCREDITATION, AND OF HEARING, CONSTRUCTION INDUSTRY BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

—and—

Respondent,

—and—

Intervener.

TO:

(employer)

1. TAKE NOTICE that the applicant, on....., 19...., made an application to the Ontario Labour Relations Board for accreditation as bargaining agent for employers whose employees are represented by the respondent, in the following unit of employers claimed by the applicant to be appropriate:

2. The application, reply, and interventions, if any, filed in this application will be available for inspection at the offices of the Board, 400 University Ave., Toronto, Ontario, during business hours.

3. AND FURTHER TAKE NOTICE that on the basis of material now before the Ontario Labour Relations Board you may be found to be an employer in the unit of employers described above.

4. The EMPLOYER DATE fixed for this application as directed by the Board is the.....day of , 19....

5. AND FURTHER TAKE NOTICE that the hearing of the application by the Board will take place at the Board Room, 400 University Avenue, Toronto, Ontario, on day, the day of , 19, ato'clock in thenoon.

6. THE PURPOSE OF THE HEARING is to hear the evidence and representations of the parties with respect to all matters arising out of and incidental to, the application referred to in paragraph 1.

7. IF YOU DO NOT ATTEND AT THE HEARING, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

PART I

8. You shall send to the Board your filing and a list arranged as in the Schedule accompanying Form 94, Employer Filing, Construction Industry, enclosed herewith, of all employees affected by the application (see note number 1 below) for the weekly payroll period immediately preceding....., the date of the making of the application, so that,

(a) it is received by the Board not later than the employer date shown in paragraph 4; or

(b) if mailed by registered mail addressed to the Board, at its office, 400 University Avenue, Toronto, Ontario, M7A 1V4, it is mailed not later than the employer date shown in paragraph 4.

9. You shall verify the list of employees by adding thereto the following statement:

"This list has been prepared by me or under my instruction and I hereby confirm the accuracy thereof."

.....
Signature

WHERE AN EMPLOYER FILING INDICATES A DESIRE ON THE PART OF THE EMPLOYER TO MAKE REPRESENTATIONS TO THE BOARD WITH RESPECT TO THE APPLICATION, THE BOARD MAY DISPOSE OF THE APPLICATION WITHOUT CONSIDERING THE REPRESENTATIONS SET OUT IN THE EMPLOYER FILING OF ANY EMPLOYER WHO FAILS TO APPEAR AT THE HEARING.

PART II

10. Any employer or group of employers affected by the application and desiring to make representations to the Board in opposition to this application must send to the Board a statement in writing of such desire, which must,

- (a) contain the return mailing address of the employer or representative of the group of employers;
- (b) contain the name of the applicant employers' organization; and
- (c) be signed by the employer or each member of a group of employers.

11. The statement of desire must be,

- (a) received by the Board not later than the employer date shown in paragraph 4; or
- (b) if mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario, M7A 1V4, mailed not later than the employer date shown in paragraph 4.

12. A statement of desire that does not comply with paragraphs 10 and 11 will not be accepted by the Board.

13. Any employer or group of employers, that has informed the Board in writing of his or their desire in accordance with paragraphs 10 and 11 may attend and be heard at the hearing in person or by a representative. Any employer or representative who appears at the hearing will be required to testify from his or their personal knowledge and observation, as to (a) the circumstances concerning the origination of the material filed and (b) the manner in which each of the signatures was obtained.

THE BOARD MAY DISPOSE OF THE APPLICATION WITHOUT CONSIDERING THE STATEMENT OF DESIRE OF ANY EMPLOYER OR GROUP OF EMPLOYERS THAT FAILS TO ATTEND IN PERSON OR BY A REPRESENTATIVE. (See note number 2 below).

DATED thisday of....., 19....

.....
Registrar,
Ontario Labour Relations Board.

NOTES

- 1. Under the *Labour Relations Act* an employers' organization may be accredited only for employers for whose employees a trade union or a council of trade unions has bargaining rights. The accreditation is limited to a particular geographic area and to a particular sector of the construction industry as set out in paragraph 1 of this Form. The employees to be listed in the Schedule are those employees for the payroll period set out in paragraph 8 of this Form working in the said geographic area and sector of the construction industry.
- 2. Where an employer or group of employers fails to attend either in person or by a representative or to testify or produce witnesses to testify as provided in paragraph 13 of this Form, the Board normally does not accept the statement of desire as casting doubt on the evidence filed by the applicant.
- 3. All communication with respect to this application should be addressed to:

The Registrar,
Ontario Labour Relations Board
400 University Ave.,
Toronto, Ontario, M7A 1V4.

Form 94

FILE NO.

Labour Relations Act

EMPLOYER FILING, APPLICATION FOR ACCREDITATION,
CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent,

— and —

Intervener.

.....
(name of employer)

makes the following filing in this proceeding.

The employer states:

1. (a) address and telephone number of employer:
(b) address of employer for service:
(c) name and telephone number of a person to whom telephone or other inquiries should be addressed:
2. The employer is an employer in the construction industry.
3. The respondent ^{*is} ~~*is not~~ entitled to bargain on behalf of the employees of the employer affected by the application. (Refer to paragraph 1 of Form 93, Notice to Employers.)
4. The employer ^{*has} ~~*has not~~ employed employees affected by the application within one year prior to the date of the making of the application. (Refer to paragraph 1 of Form 93, Notice to Employers.)
5. The employer states that the number of employees on the payroll for the weekly payroll period immediately preceding the date of the application ^{*is} ~~*is not~~ representative of the number of employees affected by this application normally employed by the employer. (Where the number is not representative, give details.)
6. Submissions, if any, which the employer desires to make at the hearing of this application:

*Strike out
if not
applicable

DATED at, this day of, 19....

.....
signature of the employer

SCHEDULE—H—LIST OF EMPLOYEES—ACCREDITATION

List of employees affected by this application, i.e. on whose behalf.....
(trade union)
is entitled to bargain, working in the.....geographic area in
the.....sector, during the weekly payroll period immediately preceding the.....day
of....., 19....

INSTRUCTIONS

Give the location of the job site at which employees worked and describe the type of project on which the work was being done (e.g. residential, industrial, commercial and institutional, etc.). Then list the employees at work at each site, and the occupational classification for each employee.

Location of Job Site and Type of Project	Names of Employees at Work at the Job Site	Occupational Classification
.....	1.....	.....
.....	2.....	.....
.....	3.....	.....
.....	4.....	.....
.....	5.....	.....
.....	6.....	.....
.....	7.....	.....
.....	8.....	.....
.....	9.....	.....
.....	10.....	.....
.....	11.....	.....
.....	12.....	.....
.....	13.....	.....
.....	14.....	.....
.....	15.....	.....

Form 95

Labour Relations Act

APPLICATION FOR DECLARATION TERMINATING ACCREDITATION AS
BARGAINING AGENT, CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

The applicant applies to the Ontario Labour Relations Board under section.....of the
130 (1) or (2)
Act for a declaration that the respondent no longer represents the employers in the unit of employers
for which it is the bargaining agent.

The applicant states:

1. (a) address and telephone number of applicant:
(b) address of applicant for service:
(c) address of respondent:
2. (a) name of the trade union or council of trade unions affected by the application:
(b) address of the trade union or council of trade unions:
3. Detailed description, including geographic area and sector of the construction industry,
of the unit of employers for which the respondent is the bargaining agent:
4. Approximate number of employers in the unit described in paragraph 3:
5. Approximate number of employees, affected by this application, employed by the
employers in the unit described in paragraph 3:
6. (a) (Where the application is made under subsection 130 (1) of the Act) Date of the
respondent's accreditation certificate:
(b) (Where the application is made under subsection 130 (2) of the Act) Expiry date of
the collective agreement between respondent and the trade union or council of trade
unions:
7. The applicant ^{*does} submit with the application the document or documents
by which employers in the unit of employers have voluntarily signified in writing
that they no longer wish to be represented by the respondent.

*Strike out
word or words
not applicable.

8. Other relevant statements (attach additional pages if necessary):

DATED at....., this.....day of....., 19.....

.....
(signature for the applicant)

FILE NO.

Form 96

Labour Relations Act

NOTICE OF APPLICATION FOR DECLARATION TERMINATING
ACCREDITATION AS BARGAINING AGENT, CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

TO THE RESPONDENT:

1. TAKE NOTICE that the applicant, on....., 19...., made an application to the Ontario Labour Relations Board for a declaration that the respondent no longer represents the employers in the unit of employers described in the attached copy of the application.

2. The terminal date fixed for this application as directed by the Board is the.....day of....., 19....

3. You shall send to the Board your reply as well as the material listed below so that,

- (a) it is received by the Board not later than the terminal date shown in paragraph 2; or
- (b) if it is mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario, M7A 1V4, it is mailed not later than the terminal date shown in paragraph 2.

1. A list arranged as in the attached Schedule of all employers in the unit of employers described in the application as at.....the date when the applicant's application was made.

2. For each employer listed in the attached Schedule, the address and, if known, the telephone number.

4. You shall verify the list of employers by adding thereto the following statement:

“This list has been prepared by me or under my instruction and I hereby confirm the accuracy thereof”.

.....
(signature)

5. If you fail to send your reply on or before the terminal date shown in paragraph 2 and to appear at the hearing of this application, the Board may dispose of the application on the evidence and representations before it without further notice to you.

6. In accordance with the Board's Rules of Procedure, you will be notified of the date set for the hearing of this application after the Board sets the employer date for this application.

DATED this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board.

SCHEDULE J—LIST OF EMPLOYERS
TERMINATION OF ACCREDITATION

List (alphabetically arranged) of all employers in the following unit of employers:

as of the.....day of....., 19.....

Name of Employer	Address of Employer	Telephone Number
1.....
2.....
3.....
4.....
5.....
6.....
7.....
8.....
9.....

Form 97

FILE NO.

Labour Relations Act

REPLY TO APPLICATION FOR DECLARATION TERMINATING
ACCREDITATION AS BARGAINING AGENT, CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

The respondent replies to the application for a declaration that the respondent no longer represents the employers in the unit of employers for which it is the accredited bargaining agent as follows:

The respondent states:

1. (a) correct name of respondent:
(b) address and telephone number of respondent:
(c) address of respondent for service:
2. (a) name of trade union or council of trade unions affected by the application:
(b) address of trade union or council of trade unions:
3. Detailed description, including geographic area and sector of the construction industry, of the unit of employers for which the respondent is the accredited bargaining agent:
4. Number of employers in the unit as of the date the application was made:
5. The date of accreditation of the respondent as bargaining agent of the employers in the unit:
- *6. The respondent is or was a party to a collective agreement, a copy of which is enclosed herewith, with
(name of trade union or council of trade unions)
that,
(a) was signed on the day of, 19....;
(b) became effective on the day of, 19....;
and
(c) contains the following provision relating to its termination:
7. Other relevant statements (use additional pages if necessary):

*Strike out
if not
applicable.

DATED at, this day of, 19....

.....
(signature for the respondent)

FILE NO.

Form 98

Labour Relations Act

NOTICE TO TRADE UNION OR COUNCIL OF TRADE UNIONS
OF APPLICATION FOR DECLARATION TERMINATING ACCREDITATION
AS BARGAINING AGENT, CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

TO:

(trade union or council of trade unions)

1. TAKE NOTICE that the applicant, on....., 19...., made an application to the Ontario Labour Relations Board for a declaration that the respondent no longer represents the employers in the unit of employers described in the attached copy of the application.

2. The terminal date fixed for this application as directed by the Board is the.....day of, 19....

3. You shall send to the Board your intervention, as well as the material listed below so that,

- (a) it is received by the Board not later than the terminal date shown in paragraph 2; or
- (b) if it is mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario, M7A 1V4, it is mailed not later than the terminal date shown in paragraph 2.

1. A list, arranged as in the attached Schedule, of all employers in the unit of employers described in the application as at....., the date when the applicant's application was made.

2. For each employer listed in the attached Schedule, the address and, if known, the telephone number.

4. You shall verify the list of employers by adding thereto the following statement:

"This list has been prepared by me or under my instruction and I hereby confirm the accuracy thereof".

.....
(signature)

5. If you fail to send your intervention on or before the terminal date shown in paragraph 2 and to appear at the hearing of this application, the Board may dispose of the application on the evidence and representations before it without further notice to you.

6. In accordance with the Board's Rules of Procedure, you will be notified of the date set for the hearing of this application after the Board sets the employer date for this application.

DATED this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board.

SCHEDULE J—LIST OF EMPLOYERS
TERMINATION OF ACCREDITATION

List (alphabetically arranged) of all employers in the following unit of employers:

as of the day of, 19.....

Name of Employer	Address of Employer	Telephone Number
1.
.....
2.
.....
3.
.....
4.
.....
5.
.....
6.
.....
7.
.....
8.
.....
9.
.....

Form 99

FILE NO.

Labour Relations Act

NOTICE OF APPLICATION FOR DECLARATION TERMINATING
BARGAINING RIGHTS OF AN ACCREDITED EMPLOYERS' ORGANIZATION
AND OF HEARING CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent,

— and —

Intervener.

TO (EMPLOYER):

1. TAKE NOTICE that the applicant, on....., 19...., made an application to the Ontario Labour Relations Board for a declaration that the respondent no longer represents the employers in the following unit of employers:

2. The application, reply, and interventions, if any, filed in this application are available for inspection at the offices of the Board, 400 University Avenue, Toronto, Ontario, during business hours.

3. AND FURTHER TAKE NOTICE that, on the basis of material now before the Ontario Labour Relations Board, you may be found to be an employer in the unit of employers described above.

4. THE EMPLOYER DATE fixed for this application as directed by the Board is the.....day of....., 19....

5. AND FURTHER TAKE NOTICE that the hearing of the application by the Board will take place at the Board Room, 400 University Avenue, Toronto, Ontario, on day, the day of , 19...., at o'clock in the noon.

6. THE PURPOSE OF THE HEARING is to hear the evidence and representations of the parties with respect to all matters arising out of and incidental to the application referred to in paragraph 1.

7. IF YOU DO NOT ATTEND AT THE HEARING, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

PART I

8. You shall send to the Board your filing and a list arranged as in the Schedule accompanying Form 100, Employer Filing, Termination of Bargaining Rights of an Accredited Employers' Organization, Construction Industry, enclosed herewith, of all employees affected by the application (see Note Number 1 below) for the weekly payroll period immediately preceding....., the date of the making of the application, so that,

- (a) it is received by the Board not later than the employer date shown in paragraph 4; or
- (b) if mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario, M7A 1V4, it is mailed not later than the employer date shown in paragraph 4.

9. You shall verify the list of employees by adding thereto the following statement:

"This list has been prepared by me or under my instruction and I hereby confirm the accuracy thereof."

.....
(signature)

WHERE AN EMPLOYER FILING INDICATES A DESIRE ON THE PART OF THE EMPLOYER TO MAKE REPRESENTATIONS TO THE BOARD WITH RESPECT TO THE APPLICATION, THE BOARD MAY DISPOSE OF THE APPLICATION WITHOUT CONSIDERING THE REPRESENTATIONS SET OUT IN THE EMPLOYER FILING OF ANY EMPLOYER WHO FAILS TO APPEAR AT THE HEARING.

PART II

10. Any employer or group of employers effected by the application and desiring to make representations to the Board in opposition to this application must send to the Board a statement in writing of such desire, which must,

- (a) contain the return mailing address of the employer or representative of the group of employers;
- (b) contain the name of the respondent accredited employers' organization; and
- (c) be signed by the employer or each member of a group of employers.

11. The statement of desire must be,

- (a) received by the Board not later than the employer date shown in paragraph 4; or
- (b) if mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario, M7A 1V4, mailed not later than the employer date shown in paragraph 4.

12. A statement of desire that does not comply with paragraphs 10 and 11 will not be accepted by the Board.

13. An employer or group of employers that has informed the Board in writing of his or their desire in accordance with paragraphs 10 and 11 may attend and be heard at the hearing in person or by representative. An employer or representative who appears at the hearing will be required to testify from his or their personal knowledge and observation, as to (a) the circumstances concerning the origination of the material filed, and (b) the manner in which each of the signatures was obtained.

THE BOARD MAY DISPOSE OF THE APPLICATION WITHOUT CONSIDERING THE STATEMENT OF DESIRE OF ANY EMPLOYER OR GROUP OF EMPLOYERS THAT FAILS TO ATTEND IN PERSON OR BY A REPRESENTATIVE. (See Note Number 2 below).

DATED this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board.

NOTES

1. Under the *Labour Relations Act* an employers' organization may be accredited only for employers for whose employees a trade union or council of trade unions has bargaining rights. The accreditation is limited to a particular geographic area and to a particular sector of the construction industry as set out in paragraph 1. The employees to be listed in the Schedule are those employees for the payroll period set out in paragraph 8 working in the said geographic area and sector of the construction industry.

- 2. Where an employer or group of employers fails to attend either in person or by representative or to testify or produce witnesses to testify as provided in paragraph 13, the Board normally does not accept the statement of desire as casting doubt on the evidence filed by the applicant.
- 3. Any communication with respect to this application should be addressed to: The Registrar, Ontario, Labour Relations Board, 400 University Avenue, Toronto, Ontario, M7A 1V4.

O. Reg. 321/73, s. 16, *part.*

Form 100

FILE NO.

Labour Relations Act

EMPLOYER FILING, TERMINATION OF BARGAINING RIGHTS
OF AN ACCREDITED EMPLOYERS' ORGANIZATION,
CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

—and— Applicant,

—and— Respondent,

Intervener.

.....makes the following filing in this proceeding.
(name of employer)

The employer states:

- 1. (a) address and telephone number of employer:
(b) address of employer for service:
(c) name and telephone number of a person to whom telephone or other inquiries should be addressed:

2. The employer is an employer in the construction industry.

*Strike out
if not
applicable

- 3. The trade union involved ^{*is} ~~*is not~~ entitled to bargain on behalf of the employees of the employer affected by this application. (Refer to paragraph 1 of Form 99, Notice to Employers.)
- 4. The employer states that the number of employees on the payroll for the weekly payroll period immediately preceding the date of the making of the application ^{*is} ~~*is not~~ representative of the number of employees affected by this application normally employed by the employer. (Where the number is not representative, give details).
- 5. Submissions, if any, which the employer desires to make at the hearing of this application:

DATED at....., this.....day of....., 19....

.....
(signature of employer)

SCHEDULE H—LIST OF EMPLOYEES—ACCREDITATION

List of employees affected by this application, i.e. on whose behalf.....is entitled
(trade union)
to bargain, working in the.....geographic area and in the.....sector,
during the weekly payroll period immediately preceding the.....day of....., 19....

INSTRUCTIONS

Give the location of the job site at which employees worked and describe the type of project on which the work was being done (e.g. residential, industrial, commercial and institutional, etc.). Then list the employees at work at each site, and the occupational classification for each employee.

Location of Job Site and Type of Project	Names of Employees at Work at the Job Site	Occupational Classification
.....	1. ....	.....
.....	2. ....	.....
.....	3. ....	.....
.....	4. ....	.....
.....	5. ....	.....
.....	6. ....	.....
.....	7. ....	.....
.....	8. ....	.....
.....	9. ....	.....
.....	10. ....	.....
.....	11. ....	.....
.....	12. ....	.....
.....	13. ....	.....
.....	14. ....	.....
.....	15. ....	.....

O. Reg. 321/73, s. 16, *part.*

Form 101

Labour Relations Act

APPLICATION FOR A DIRECTION UNDER SECTION 135
OF THE ACT, CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

— and —

Applicant,

Respondent.

The applicant applies to the Ontario Labour Relations Board for relief under section 135 of the Act.

The applicant states:

1. (a) address and telephone number of applicant:
(b) address and telephone number of applicant for service:
(c) name(s) of respondent(s):
(d) address(es) of respondent(s):
2. The parties to this application are parties to whom sections 117 to 136 of the Act apply.
3. The date(s) upon which the act(s) complained of occurred:
4. The following is a concise statement of the nature of each act complained of:
(Use additional sheets if necessary.)
- *5. As of the date of this application the act(s) complained of in paragraph 4
*is continuing.
*are
6. The direction that the applicant desires the Board to make:
7. Other relevant statements:

*Strike out
if not
applicable

DATED at....., this.....day of....., 19.....

.....
(signature for the applicant)

O. Reg. 29/71, s. 10, *part.*

FILE NO.....

Form 102

Labour Relations Act

NOTICE OF APPLICATION FOR A DIRECTION UNDER SECTION 135 OF THE ACT AND OF HEARING, CONSTRUCTION INDUSTRY BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

—and—

Respondent.

TO:

1. TAKE NOTICE that the applicant has made an application, a copy of which is attached, requesting relief under section 135 of the Act.

2. You shall send to the Board your reply to this application so that,

(a) it is received by the Board; or

(b) if mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario, M7A 1V4, it is mailed,

not later than the day of, 19....

3. AND FURTHER TAKE NOTICE that the hearing of the application by the Board will take place at the Board Room, 400 University Avenue, Toronto, Ontario, onday, the day of, 19...., at o'clock in thenoon.

4. THE PURPOSE OF THE HEARING is to hear the evidence and representations of the parties with respect to all matters arising out of and incidental to, the application referred to in paragraph 1.

5. IF YOU DO NOT ATTEND AT THE HEARING, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

DATED this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board.
O. Reg. 321/73, s. 16, *part*.

FILE NO.

Form 103

Labour Relations Act

REPLY TO APPLICATION FOR A DIRECTION
UNDER SECTION 135 OF THE ACT, CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

The respondent states in reply to the application of the applicant as follows:

1. (a) correct name of respondent:
(b) address and telephone number of respondent:
(c) address of respondent for service:
2. The respondent replies to this application as follows:

DATED at....., this.....day of....., 19....

.....
(signature for the respondent)

O. Reg. 29/71, s. 10, *part*.

Form 104

Labour Relations Act

REFERRAL OF GRIEVANCE TO ARBITRATION UNDER
SECTION 124, CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

The applicant refers a grievance concerning the interpretation, application, administration or alleged violation of a collective agreement to the Ontario Labour Relations Board for final and binding determination.

The applicant states:

- 1. (a) address of applicant :
 - (b) address of applicant for service :
 - (c) telephone number of applicant :
 - (d) address of respondent :
 - (e) telephone number of respondent :
- *2. The name and address of any person(s) or trade unions, other than the respondent, who may be affected by the referral:
3. The parties to this application are parties to whom sections 117 to 136 of the Act apply.
4. A collective agreement, a copy of which is appended hereto, was entered into between the applicant and the respondent on the.....day of....., 19..., and is operative from the.....day of....., 19... to the.....day of....., 19...
5. The matter referred to be arbitrated (full text of grievance is to be reproduced):
6. The date on which the grievance was delivered to the other party:
7. The replies to the grievance, if any:
8. Other relevant statements:

DATED at....., this.....day of....., 19....

.....
signature

* Other employees who may be affected by a determination under this section are entitled to notice of arbitration proceedings and to be represented by counsel or otherwise at the hearing.

FAILURE TO PROVIDE THE NAMES OF EMPLOYEES WHO MAY BE AFFECTED COULD RESULT IN A POSTPONEMENT OF THE HEARING.

FILE NO.

Form 105

*Labour Relations Act*NOTICE TO RESPONDENT OF REFERRAL OF GRIEVANCE TO ARBITRATION UNDER
SECTION 124 AND OF HEARING, CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

TO:

1. TAKE NOTICE that the applicant, on the.....day of....., 19...., referred a grievance to the Ontario Labour Relations Board for a final and binding determination. A copy of the referral is attached.

2. You shall send your reply to this referral accompanied by the collective agreement to the Board so that,

(a) it is received by the Board; or

(b) if mailed by registered mail addressed to the Board at its office, 400 University Avenue, Toronto, Ontario, it is mailed,

not later than the.....day of....., 19....

3. If you fail to send your reply to the Board as set out in paragraph 2, the Board may dispose of the application on the evidence and representations placed before it by the applicant.

4. AND FURTHER TAKE NOTICE that the hearing of the referral by the Board will take place at the Board Room, 400 University Avenue, Toronto, Ontario, onday, the day of, 19...., at o'clock in thenoon.

5. THE PURPOSE OF THE HEARING is to hear the evidence and representations of the parties with respect to all matters arising out of and incidental to, the referral mentioned in paragraph 1.

6. IF YOU DO NOT ATTEND AT THE HEARING, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

DATED this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board.

FILE NO.

Form 106

Labour Relations Act

NOTICE TO AFFECTED PERSON(S) OF REFERRAL OF GRIEVANCE TO ARBITRATION
UNDER SECTION 124 AND OF HEARING, CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

TO:

1. TAKE NOTICE that the applicant, on the day of, 19...., referred a grievance to the Ontario Labour Relations Board for a final and binding determination. A copy of the referral is attached.

2. You have been named as a person who may be affected by the determination. You therefore are entitled to notice of the arbitration proceedings and to be represented by counsel or otherwise.

3. AND FURTHER TAKE NOTICE that the hearing of the referral to the Board will take place at the Board Room, 400 University Avenue, Toronto, Ontario, onday, the day of, 19...., at.....o'clock in the.....noon.

4. THE PURPOSE OF THE HEARING is to hear evidence and representations of the parties with respect to all matters arising out of, and incidental to, the referral mentioned in paragraph 1.

5. IF YOU DO NOT ATTEND AT THE HEARING, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE OF THE PROCEEDINGS.

DATED this.....day of....., 19....

.....
Registrar,
Ontario Labour Relations Board.
O. Reg. 676/75, s. 22, *part, revisea*

Form 107

FILE NO.

Labour Relations Act

REPLY TO A REFERRAL OF GRIEVANCE TO ARBITRATION UNDER
SECTION 124, CONSTRUCTION INDUSTRY
BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

— and —

Respondent.

The respondent replies to the referral of the grievance to arbitration as follows:

- 1. (a) correct name of respondent:
(b) address of respondent:
(c) address of respondent for service:
(d) telephone number of respondent:
- 2. A collective agreement, a copy of which is enclosed, was entered into between the applicant and respondent on the.....day of....., 19...., and is operative from the.....day of....., 19.... to the.....day of....., 19....
- 3. The name and address of any person(s) or trade union, other than the respondent, who may be affected by the referral: (see note below)
- 4. The date on which the grievance was delivered:
- 5. The respondent ^{*confirms}
^{*does not confirm} the text of the grievance. (If the respondent does not confirm the text its understanding of the grievance should be given.)
- 6. The replies given to the grievance, if any:
- 7. The respondent replies to the referral as follows:

*Strike out if not applicable

(The respondent's defence to the arbitration, including all objections to the arbitrability should be set out in this paragraph.)

DATED at....., this.....day of....., 19....

.....
signature for the respondent

NOTE

Other employees who may be affected by a determination under this section are entitled to notice of the arbitration proceedings and to be represented by counsel or otherwise.

FAILURE TO PROVIDE THE NAMES OF EMPLOYEES COULD RESULT IN A POST-PONEMENT OF THE HEARING.

O. Reg. 676/75, s. 22, *part, revised.*

REGULATION 547

under the Landlord and Tenant Act

CLASSES OF ACCOMMODATION DEEMED NOT TO BE RESIDENTIAL PREMISES

1. In this Regulation, "non-profit co-operative housing corporation" means a corporation incorporated without share capital under the *Co-operative Corporations Act* or any predecessor thereof or under similar legislation of Canada or any province thereof, the main purpose and activity of which is the provision of housing for its members, and the charter or by-laws of which provide that,

- (a) its activities shall be carried on without the purpose of gain for its members;
- (b) on dissolution, its property after payment of its debts and liabilities shall be distributed to non-profit or charitable organizations;
- (c) housing charges, other charges similar to rent, or any other charges payable by members shall be decided by a vote of the members or of a body duly elected or appointed by the members, or a committee thereof; and
- (d) termination of occupancy rights may be brought about only by a vote of the members or of a body duly elected or appointed by the members, or a committee

thereof, and that the member whose occupancy rights are terminated has a right to appear and make representations prior to such vote. O. Reg. 1008/76, s. 1.

2. The following are designated as classes of accommodation deemed not to be residential premises for the purposes of the Act:

- 1. Premises occupied by members of a non-profit co-operative housing corporation.
- 2. Premises rented as a vacation home for a seasonal or temporary period not exceeding four months.
- 3. Premises situate on a farm where the occupation of the premises is conditional upon the occupant continuing to be employed on the farm.
- 4. Premises situate in a building or project used in whole or in part for non-residential purposes where the occupation of the premises is conditional upon the occupant continuing to be an employee of or perform services related to a business or enterprise carried out in the building or project. O. Reg. 1008/76, s. 2.

REGULATION 548

under the Landlord and Tenant Act

FORMS

1. An agreement to terminate a tenancy as mentioned in section 114 of the Act may be in Form 1. O. Reg. 301/76, s. 1.

2. A notice of termination of a tenancy agreement given by a landlord to a tenant for demolition, conversion or extensive repairs or renovations as mentioned in section 107 of the Act may be in Form 2. O. Reg. 301/76, s. 2.

3. A notice of termination of a tenancy agreement given by a tenant to a landlord under the Act may be in Form 3. O. Reg. 301/76, s. 3.

4. A notice of termination of a tenancy agreement given by a landlord to a tenant for non-payment of rent as mentioned in section 108 of the Act may be in Form 4. O. Reg. 301/76, s. 4.

5. A notice of termination of a tenancy agreement given by a landlord to a tenant for one or more of the causes mentioned in section 109 of the Act may be in Form 5. O. Reg. 301/76, s. 5.
6. A notice of termination of a tenancy agreement given by a landlord to a tenant to be effective at the end of the term of the tenancy for one or more of the causes mentioned in section 108 or 109 or subsection 110 (3) of the Act may be in Form 6. O. Reg. 301/76, s. 6.

7. A summary application to a judge of a county or district court for one or more of the orders mentioned in section 113 of the Act may be in Form 7. O. Reg. 301/76, s. 7.

8. An affidavit of service of a notice, process or document required or permitted to be served, given or delivered under the Act may be in Form 8. O. Reg. 301/76, s. 8.

9. An affidavit attesting to any fact or belief that may be required to be established for the purposes of the Act may be in Form 9. O. Reg. 301/76, s. 9.

10. A notice of rent increase given by a landlord to a tenant as mentioned in section 129 of the Act may be in Form 10. O. Reg. 301/76, s. 10.

Form 1

Landlord and Tenant Act

AGREEMENT TO TERMINATE A TENANCY

....., landlord, and
(landlord's name)

....., tenant, hereby agree to
(tenant's name)

terminate the tenancy with respect to the premises:

Apt./Unit No.	Street No.	Street Name

Municipality	Postal Code	

on the.....day of....., 19.....

I,, tenant, understand that I must
(tenant's name)
deliver up vacant possession and occupation of the premises on or before that date and that this agreement
may be enforced by a writ of possession (eviction order) if I fail to do so.
Dated this.....day of....., 19....
(date of signing this agreement)

.....
Signature of Landlord or Authorized Agent Signature of Tenant or Authorized Agent
O. Reg. 301/76, Form 1.

Form 2

Landlord and Tenant Act

NOTICE BY LANDLORD OF TERMINATION FOR DEMOLITION,
CONVERSION OR REPAIRS (Section 107)

To:

Name of Tenant

I hereby give you notice to deliver up vacant possession and occupation of the premises:—

_____ Apt./Unit No.	_____ Street No.	_____ Street Name
_____ Municipality	_____ Postal Code	

which you hold of me as Tenant on the.....day of....., 19....
A. Reason (check one or more as applicable):
1. ☐ Possession is required for the purpose of demolition.
2. ☐ Possession is required for the purpose of conversion to use for a purpose other than rental
residential premises.
3. ☐ Possession is required for the purpose of repairs or renovations so extensive as to require a
building permit and vacant possession of the premises.
B. Particulars (Set out briefly the facts that justify allegations in Heading "A" Reasons.)

.....
.....
.....
.....

Dated this day of, 19....

Signature of landlord or authorized agent

_____ Name of Landlord/Authorized Agent		
_____ Municipality	_____ Postal Code	_____ Phone No.

NOTE 1

The notice of termination must be specified to be effective at or after the last day of a tenancy period or term and cannot be earlier than 120 days from the date notice is given.

NOTE 2

If the tenant intends to dispute the landlord's claim, he need not vacate the premises pursuant to this notice. The landlord may regain possession by means of a writ of possession (eviction order) which is issued by the clerk or judge of the county or district court. To obtain the writ of possession, the landlord must apply to the court and the tenant will be given an opportunity to dispute the landlord's claim.

NOTE 3

After receiving landlord's notice of termination for demolition, conversion to a use other than as rental residential accommodation or for extensive renovation and repair, a tenant may terminate by giving at least 10 days written notice prior to the time that he or she intends to vacate and by paying any arrears of rent to the date of termination (in the tenant's notice), taking into account any security deposit for rent which may be held by the landlord.

NOTE 4

Where the notice relates to extensive repairs or renovations, the tenant may obtain the right of first refusal to occupy the premises as tenant when the work is completed, by *indicating to the landlord in writing* that he or she wishes to have this right. To retain the right, the tenant must inform the landlord by registered mail of any change of address. The rent for the premises after the renovation or repairs must be the lowest rent that would be charged to any other tenant for the same premises.

NOTE 5

Subsection 107 (5) of the Act provides that:—

(5) A notice of termination given by a landlord under subsection (1) is void and of no effect unless,

(a) the tenant delivers up possession of the premises; or

(b) the landlord brings an application under section 113,

not later than thirty days after the termination date specified in the notice of termination.

NOTE 6

On an application to the court for a writ of possession (eviction order), the landlord must file a copy of the notice given to the tenant and an affidavit of service proving that notice was given. He must also file an affidavit setting out the facts justifying his application and serve that affidavit with the notice of application.

Form 3

Landlord and Tenant Act

NOTICE OF TERMINATION TENANT TO LANDLORD

(Please print or type)

To:

_____ Name of Landlord/Authorized Agent	
_____ Address	
_____ Municipality	_____ Postal Code

I hereby give you notice that I am giving up possession of the premises:

_____ Apt./Unit No.	_____ Street No.	_____ Street Name
_____ Municipality		_____ Postal Code

which I hold of you as Tenant, on the.....day of....., 19....

Dated this.....day of....., 19....

Name of Tenant.....

Signature of Tenant or Authorized Agent.....

Telephone No.....

If agent, address

.....
Municipality Postal Code

NOTE 1

Length of Notice period at end of term or rental period.
To terminate a weekly tenancy 28 days notice is required.
To terminate all other tenancies 60 days notice is required.

NOTE 2

After receiving landlord's notice of termination for demolition, conversion to a use other than as rental residential accommodation, or for extensive renovation and repair, a tenant may terminate by giving at least 10 days written notice prior to the time that he or she intends to vacate and by paying any arrears of rent to the date of termination (in tenant's notice), taking into account any security deposit for rent which may be held by the landlord.

NOTE 3

Subsection 114 (4) of the Act states:—

(4) A notice of termination given by a tenant to a landlord is void and of no effect unless,

(a) the tenant delivers up possession of the premises; or

(b) the landlord brings an application under this section,

not later than thirty days after the termination date specified in the notice.

O. Reg. 301/76, Form 3.

Form 4

Landlord and Tenant Act

**NOTICE OF EARLY TERMINATION BY LANDLORD
FOR NON-PAYMENT OF RENT (Section 108)**

To:

<hr/> <p>Name of Tenant</p>

I hereby give you notice to deliver up vacant possession and occupation of the premises:—

<hr/>	<hr/>	<hr/>
Apt./Unit No.	Street No.	Street Name
<hr/>	<hr/>	<hr/>
Municipality	Postal Code	

which you hold of me as Tenant, on the day of, 19...., by reason of your *failure to pay rent* when due under the tenancy agreement.

You *have the right to avoid the termination of the tenancy* by paying the *Rent Demanded* below within 14 days of your receipt of this notice of termination.

Rent Demanded

I hereby demand payment of the rent now in arrears in the amount of \$.....which sum represents the overdue rental payment in respect of the rent from (date)..... to (date).....properly due on (dates).....

Payment of the rent demanded shall be in the manner, by the method and at the place determined by the tenancy agreement, which are:—

.....

.....

.....

Dated this.....day of, 19....

Signature of landlord or authorized agent.....

_____ Name of Landlord/Authorized Agent		
_____ Address		
_____ Municipality	_____ Postal Code	_____ Phone No.

NOTE 1
The notice of termination cannot be specified to be effective earlier than the twentieth day after the notice is given.

NOTE 2
If the tenant intends to dispute the landlord's claim, he need not vacate the premises pursuant to the notice. The landlord may regain possession by means of a writ of possession (eviction order) which is issued by the clerk or judge of the county or district court. To obtain the writ of possession, the landlord must apply to the court and the tenant will be notified of the application and will be given an opportunity to dispute the landlord's claim.

NOTE 3
The landlord may apply to the court on the 15th day *after* he has given this notice.

NOTE 4
On an application to the court for a writ of possession (eviction order) the landlord must file a copy of the notice given to the tenant and an affidavit of service proving that notice was given.

NOTE 5
Subsection 108 (5) of the Act states:—

(5) Where application is brought by the landlord under section 113 and the tenant at any time before the judgment has become final pays into court *all the rent in arrears and the costs of the application*, the proceedings in the application are forever stayed.

O. Reg. 301/76, Form 4.

Form 5

Landlord and Tenant Act

**NOTICE BY LANDLORD OF EARLY TERMINATION FOR BREACH
OF OBLIGATIONS BY TENANT (Section 109)**

(Please print or type)

To:

_____ Name of Tenant

I hereby give you notice to deliver up vacant possession and occupation of the premises:—

_____ Apt./Unit No.	_____ Street No.	_____ Street Name
_____ Municipality	_____ Postal Code	

which you hold of me as Tenant on the.....day of....., 19....

A. Reason (check one or more as applicable):—

- 1. ☐ The tenant or his guests have caused undue damage to the premises either wilfully or through negligence.
- 2. ☐ The tenant or his guests have substantially interfered with the reasonable enjoyment of the premises by the landlord or the other tenants.
- 3. ☐ The tenant or his guests by an act or omission have seriously impaired the safety or other lawful right, privilege or interest of another tenant.
- 4. ☐ The number of persons occupying the premises on a continuing basis exceeds the number permitted by health, safety or housing standards.
- 5. ☐ The tenant has performed an illegal act or carried on an illegal business on the premises.
- 6. ☐ A tenant in public or subsidized housing has knowingly and materially misrepresented his income or that of other members of his family occupying the residential premises.

B. Particulars of Breach (set out briefly description of tenant's acts or omissions that justify landlord's allegations under Heading "A" Reasons):—

.....
.....

Relief from Termination if Situation Corrected. (Applicable only to Reasons 1, 2, 3 and 4 if this is the tenant's first breach in 6 months.)

I require you, within seven days to:—

- (If Reason 1 applicable) (a) pay the reasonable cost of repairs which are \$.; or
- (b) make arrangements satisfactory to me for paying the above costs; or
- (c) make the repairs to my satisfaction;
- (d) make arrangements satisfactory to me for making the repairs.

(If Reason 2 or 3 applicable) Permanently cease and desist from the activities which are set out under Heading "B"

(If Reason 4 applicable) Reduce the number of persons occupying the premises.

If you correct your breach of obligations within seven days, this notice of termination will become null and void. However, another breach within 6 months will result in a *notice of termination without an opportunity to remedy the situation.*

Dated this.....day of....., 19....

Signature of landlord or authorized agent.....

Name of Landlord/Authorized Agent

MunicipalityPostal CodePhone No.

(Please refer to NOTES on back of this Form)

NOTE 1

Except for a second notice of termination arising from breach of any of Reasons 1, 2, 3 or 4 within 6 months, the notice of termination cannot be specified to be effective earlier than the twentieth day after the notice is given. If the notice of termination is *the second within 6 months for a breach of any of reasons 1, 2, 3 or 4* the specified termination date must not be earlier than the 14th day after the notice is given.

NOTE 2

If the tenant intends to dispute the landlord's claim, he need not vacate the premises pursuant to the notice. The landlord may regain possession by means of a writ of possession (eviction order) which is issued by the clerk or judge of the county or district court. To obtain the writ of possession the landlord must apply to the court and the tenant will be notified of the application and will be given an opportunity to dispute the landlord's claim.

NOTE 3

The landlord may apply to the court *immediately* after giving notice where the *Reason* set out in A is 5 or 6 or the reason is a second breach within six months of any of Reasons 1, 2, 3 or 4.

The landlord may apply to the court immediately after the seven days given to correct a breach, if the tenant has not corrected the situation or made arrangements to correct it.

NOTE 4

On an application to the court for a writ of possession (eviction order), the landlord must file a copy of the notice given to the tenant and an affidavit of service proving that notice was given.

If the notice is for the *second breach* of any of Reasons 1, 2, 3 or 4 within 6 months, the landlord must *also file* a copy of the first notice given to the tenant and an affidavit of service of that notice.

NOTE 5

Subsection 109 (6) of the Act provides:

(6) A notice of termination given by a landlord is void and of no effect unless,

- (a) the tenant delivers up possession of the premises; or
- (b) the landlord brings an application under section 113,

not later than thirty days after the termination date specified in the notice.

O. Reg. 301/76, Form 5.

Form 6

Landlord and Tenant Act

NOTICE OF LANDLORD OF TERMINATION AT END OF TERM OR RENTAL PERIOD

(Section 110)

To:

<div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> Name of Tenant
--

I hereby give you notice to deliver up vacant possession and occupation of the premises:—

<div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> Apt./Unit No.	<div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> Street No.	<div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> Street Name
<div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> Municipality	<div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> Postal Code	

which you hold of me as Tenant, on the day of, 19....

A. Reason (check one or more as applicable):—

- 1. ☐ The tenant is in arrears of rent.
- 2. ☐ The tenant has persistently been late in paying rent.
- 3. ☐ The tenant or his guests have caused undue damage to the premises either wilfully or through negligence.
- 4. ☐ The tenant or his guests have substantially disturbed the reasonable enjoyment of the premises by the landlord or the other tenants.
- 5. ☐ The tenant or his guests by an act or omission have seriously impaired the safety or other lawful right, privilege or interest of another tenant.
- 6. ☐ The number of persons occupying the premises on a continuing basis exceeds the number permitted by health, safety or housing standards.
- 7. ☐ The tenant has performed an illegal act or carried on an illegal business on the premises.
- 8. ☐ A tenant in public or subsidized housing has knowingly and materially misrepresented his income or that of other members of his family occupying the residential premises.
- 9. ☐ The premises are public or subsidized housing and the tenant has ceased to meet the qualifications required for occupancy of such premises.
- 10. ☐ The landlord requires possession of the premises for the purpose of occupation by himself, his spouse or a child or parent of his or his spouse. (To qualify the landlord must give at least 60 days notice.)
- 11. ☐ The tenant was an employee of an employer who provided the tenant with residential premises during his employment and his employment has ceased.
- 12. ☐ The tenancy arose by virtue of an agreement of purchase and sale of a proposed condominium unit and the agreement of purchase and sale has been terminated.

B. Particulars (set out briefly the facts that justify allegations under Heading "A" Reasons):

.....
.....
.....

Dated this day of, 19....

Signature of landlord or authorized agent

Name of Landlord/Authorized Agent

Address

MunicipalityPostal CodePhone No.

(Please refer to NOTES on back of this Form)

NOTE 1

If the tenant intends to dispute the landlord's claim, he need not vacate the premises pursuant to the notice. The landlord may regain possession by means of a writ of possession (eviction order) which is issued by the clerk or judge of the county or district court. To obtain the writ of possession, the landlord must apply to the court and the tenant will be notified of the application and will be given an opportunity to dispute the landlord's claim.

NOTE 2

Subsection 110 (2) of the Act states:—

- (2) A notice of termination given by a landlord to a tenant is void and of no effect unless,
- (a) the tenant delivers up possession of the premises; or
 - (b) the landlord brings application under section 113,

not later than thirty days after the termination date specified on the notice.

NOTE 3

Length of notice period at end of term or rental period:—

To terminate a weekly tenancy 28 days notice is required.

To terminate all other tenancies 60 days notice is required.

O. Reg. 301/76, Form 6.

Form 7

Landlord and Tenant Act

SUMMARY APPLICATION TO COUNTY OR DISTRICT COURT
(Section 113)

COUNTY
IN THE DISTRICT COURT OF THE OF
(County, District or (Name)
Judicial District)

IN THE MATTER OF section 113 of the *Landlord and Tenant Act*,

AND IN THE MATTER OF a tenancy agreement with respect to the residential premises described as:

Apt./Unit No.	Street No.	Street Name
Municipality	Postal Code	

BETWEEN:

Name of Applicant	Landlord <input type="checkbox"/> Tenant <input type="checkbox"/>
Address	
Municipality	Postal Code Phone No.

AND:

_____		Landlord <input type="checkbox"/>
Name of Respondent		Tenant <input type="checkbox"/>

Address		

Municipality	Postal Code	Phone No.

NOTICE OF MOTION

Take notice that an application will be made on behalf of the applicant before a judge of the county (or district) court for an order:— (check those applicable)

- 1. ☐ declaring the tenancy agreement terminated;
- 2. ☐ for a writ of possession (eviction order);
- 3. ☐ for payment of arrears of rent in the amount of \$.....;
- 4. ☐ for the payment of compensation in the amount of \$..... for use and occupation of premises after the termination date on a notice of termination;
- 5. ☐ for return of a security deposit in the amount of \$..... and interest thereon at the rate of 6% per annum;
- 6. ☐ for an abatement of rent in the amount of \$.....
- 7. ☐ granting relief against forfeiture on such terms and conditions as the judge may decide.

If you intend to dispute the applicant's claim, you must attend before the county court clerk (or district court clerk) at the hour of o'clock in the noon on the day of at his office in the Court House at or file with him before the day of a notice of dispute in writing, setting out briefly the grounds upon which you dispute the applicant's claim. If you do not attend or do not file a notice of dispute, the clerk of the county may sign an order directing:

- (a) — that the tenancy agreement is terminated;
 - (b) — that a writ of possession (eviction order) issue;
 - (c) — judgment for the amount claimed for arrears of rent;
 - (d) — judgment for the payment of compensation;
 - (e) — judgment for the return of the security deposit and interest thereon;
 - (f) — that there be an abatement of rent in the amount claimed,
- or any of them (applied for by the applicant).

.....
Signature of Landlord/Tenant or Authorized Agent	Date

_____	_____	_____
Apt./Unit No.	Street No.	Street Name
_____		_____
Municipality		Postal Code

BETWEEN:

_____	Landlord <input type="checkbox"/>	
Name of Applicant	Tenant <input type="checkbox"/>	

Address		

Municipality	Postal Code	Phone Number

AND:

_____	Landlord <input type="checkbox"/>	
Name of Respondent	Tenant <input type="checkbox"/>	

Address		

Municipality	Postal Code	Phone Number

(This affidavit must be completed and signed by a person with PERSONAL KNOWLEDGE of the facts, and must be sworn before a commissioner for taking affidavits.)

AFFIDAVIT OF SERVICE

(All blanks must be completed. Initial all corrections and deletions.)

I, _____, of the
(name of person making affidavit)
_____ of _____
(Village, Town, City, etc.) (name)
in the _____
(County, District, Regional Municipality, etc.)

(name) (occupation of person making affidavit)

make oath and say:

(Strike out if inapplicable and initial.)

1. On _____ day, _____, 19...., I served a true copy of the
(date)
attached notice of _____ and
(specify kind of notice)

affidavit of
(name of person who made affidavit)

on the landlord by,
tenant (name)

(Strike out
inapplicable
words and
paragraphs.
Initial all
deletions.)

(a) personal delivery to him at
her (address and municipality)

(b) personal delivery to agent for the
(name)

landlord, at
(address and municipality)

(c) ordinary mail addressed to the landlord at
(address and municipality)
the address for service posted by the landlord.

(d) personal delivery to an apparently adult man on the tenant's prem-
ises. woman

(e) posting on the premises by
(nailing it up, taping them up, etc.)

on the
(exact location)

(f) registered mail addressed to the tenant at
(address and municipality)
where the tenant resides.

(Strike out if
inapplicable
and initial.)

2. I was unable to effect personal service on the tenant because

(Give details of
attempts to
serve and lack
of success.)

SWORN BEFORE ME at the
..... of
in the
of
on , 19... }

.....
A Commissioner, etc.

(The Commissioner must initial all deletions
in the affidavit along with the deponent.)

Form 9

Landlord and Tenant Act

AFFIDAVIT

COUNTY
IN THE DISTRICT COURT OF THE..... of
(County, District or (Name)
Judicial District)

IN THE MATTER OF section 113 of the *Landlord and Tenant Act*,

AND IN THE MATTER OF a tenancy agreement with respect to the residential premises described as:

_____	_____	_____
Apt./Unit No.	Street No.	Street Name
_____		_____
Municipality	Postal Code	

BETWEEN:

_____	Landlord	<input type="checkbox"/>
Name of Applicant	Tenant	<input type="checkbox"/>

Address		

Municipality	Postal Code	Phone Number

AND:

_____	Landlord	<input type="checkbox"/>
Name of Respondent	Tenant	<input type="checkbox"/>

Address		

Municipality	Postal Code	Phone Number

AFFIDAVIT

I, of the
(name of person making affidavit)
..... of
(Village, Town, City, etc.) (name)
in the
(County, District, Regional Municipality, etc.)

.....
(name) (occupation of person making affidavit)

make oath and say:

(Set out facts in numbered paragraphs. Where facts are not within the PERSONAL KNOWLEDGE of the person making the affidavit, set out where the information was obtained.)

1.

SWORN BEFORE ME at the.....
..... of.....
in the.....
of.....
on the, 19...
.....
A Commissioner, etc.

}
}

O. Reg. 301/76, Form 9.

Form 10

Landlord and Tenant Act

(Section 129)

NOTICE OF RENT INCREASE

(Please Print or Type)

To:

Name of Tenant(s)

With respect to the premises which you hold of me as tenant:

Apt. /Unit No. Street No. Street Name

Municipality Postal Code

I hereby give you notice of a rent increase of \$.....

This increase will take effect on the day of, 19....

The rent for the premises will be as follows:.....
.....
.....

Reasons for the rent increase:
.....
.....
.....
.....

Dated this day of, 19....

Signature of landlord or authorized agent.....

..... Name of Landlord /Authorized Agent		
..... Municipality	..... Postal Code	..... Phone No.

NOTE 1

This notice must be served not less than ninety days prior to the end of the term or period of a tenancy after which it is to be effective.

NOTE 2

Unless the tenant decides to move out and gives proper written notice, the tenant is considered to have accepted the amount of rent increase allowed by law.

REGULATION 549

under the Landlord and Tenant Act

SUMMARY OF PART IV OF THE ACT

1. The summary of Part IV of the Act mentioned in clause 111 (1) (d) of the Act shall be in the form set out in the Schedule. O. Reg. 217/76, s. 1.

Schedule

GENERAL

1. Part IV of the *Landlord and Tenant Act* governs the relationship between landlords and tenants of residential premises, and applies whether the tenancy agreement is written, oral or implied. (ss. 81, 82)

2. Neither a landlord nor a tenant may waive his rights under Part IV of the Act, either orally or by written agreement. (s. 82)

3. If the tenancy agreement is in writing, the landlord must return a signed copy to the tenant not later than twenty-one days after the tenant has delivered a signed copy to the landlord; failure to do so by the landlord relieves the tenant from any obligation (including the payment of rent) under the agreement until the landlord does deliver a copy to him. (s. 83)

SECURITY DEPOSITS

4.—(1) The landlord may demand a security deposit equal to the last month's rent. The landlord must pay the tenant 6 per cent interest annually, as long as he holds this money. When the tenant leaves, at the expiration of the term of the lease, the last month's rent has already been paid.

(2) Security deposits to cover damages or repairs are no longer lawful (except for fixed-term tenancies in mobile home parks that were made before the 18th day of December, 1975; the deposit for damages must be returned when the tenancy agreement is ended or renewed). (s. 85)

SEIZURE OF A TENANT'S PROPERTY

5. It is an offence for a landlord to seize a tenant's personal property, if the tenant is behind in the rent. (s. 86)

SUBLETTING OR ASSIGNING RENTED PREMISES

6.—(1) A tenant, other than one in public or subsidized housing, may sublet or assign the rental accommodation. However, the landlord

may have reserved the right in the tenancy agreement to approve the new tenant. The landlord's consent may not be withheld unreasonably or arbitrarily, and the landlord may only charge reasonable and modest expenses for giving consent.

(2) A landlord or tenant may apply to a judge of the county or district court to settle disputes over subletting or assigning premises. (s. 91)

RIGHT TO PRIVACY

7.—(1) Except in emergencies, a landlord or employees of the landlord may not enter the rented premises without giving twenty-four hours' written notice to the tenant, specifying a time during the day. However, a tenancy agreement may give the landlord the right to show the rented premises during reasonable hours, to a prospective tenant, after proper notice to move has been given. A tenant may also allow a landlord to enter the premises at the time of request. (s. 93)

(2) Neither the landlord nor the tenant may change the lock on a door to the rented premises without the other's consent. (s. 95)

8. A landlord cannot keep political canvassers away from rented premises. (s. 94)

REPAIRS AND MAINTENANCE

9.—(1) Part IV requires a landlord to keep the rented premises in good condition and fit for habitation during the tenancy. The landlord must also comply with all legal health, safety and housing standards, no matter what state the premises are in when a tenant moves in. (s. 96 (1))

(2) Tenants are responsible for ordinary cleanliness (good housekeeping) and for repairing any damages they or their guests cause wilfully or negligently. (s. 96 (2))

(3) Under the Act, a tenant may apply to a judge of the county or district court for an order to have repairs done or to authorize repairs for which the tenant has paid. The judge may grant the tenant a decrease in rent for as long a time as the premises were improperly maintained. (s. 96 (3))

(4) In emergencies, the tenant may have crucial repairs done immediately and deduct the amount from the rent. Tenants must have detailed receipts for all work. If the tenant cannot demonstrate that the repairs were necessary and done as inexpensively as possible, the landlord may apply

to the court and the judge may order the tenant to repay the rent which has been withheld. The judge may even allow the landlord to end the tenancy and order the eviction of the tenant. (s. 96 (3))

TERMINATING A TENANCY

10.—(1) Tenancies for a fixed period of time (fixed term) such as six months or one year or eighteen months, do not any longer simply "run out", requiring the tenant to move at the end of the term. Where such a tenancy comes to an end without the landlord or tenant having entered into a new tenancy agreement, the Act provides that the agreement has been renewed as a month-to-month tenancy until both parties agree to another term. Since tenancies will go on indefinitely, landlords or tenants who want to end weekly, monthly, yearly or fixed-term tenancies of residential premises must notify each other in writing.

(2) A landlord and tenant may mutually agree to terminate on a specific date, in writing, during the tenancy, in which case there is no need for notice. (ss. 98-106)

11.—(1) Notice from either the landlord or the tenant must,

- (a) be in writing and signed by the person giving notice, or his or her agent, and should include the date of signing;
- (b) identify the premises for which notice is given; and
- (c) specify the date the premises are to be vacated (the termination date).

(2) Notice of termination from a landlord must also,

- (a) state the reason and particulars for terminating the tenancy; and
- (b) advise the tenant that if he or she intends to dispute the landlord's claim to possession, he or she need not vacate the premises, but that the landlord may regain possession by applying for an order from the clerk or the judge of the county or district court permitting eviction, and that the tenant is entitled to dispute the landlord's claim. (s. 99 (1))

12.—(1) Notice to end a tenancy by either landlord or tenant has to be given not less than twenty-eight days before the last day of a weekly tenancy and sixty days before the last day of a monthly, year-to-year or fixed-term tenancy. If the notice is late by even one day, it is ineffective and proper notice must be given. (ss.100-104)

(2) If a landlord intends to demolish, convert to other use, or extensively repair the premises,

the landlord must give at least 120 days notice before the end of the tenancy. (s. 107)

(3) A landlord may end a tenancy during the life of the agreement, for certain reasons and within special notice periods. (ss. 108, 109)

13.—(1) A tenant may deliver the notice personally to the landlord, or his or her agent, or send it by ordinary mail. When sent by mail, the Act assumes that it is delivered on the third day after the date of mailing. (s. 123)

(2) A landlord must try to deliver a notice to the tenant personally. If the tenant is away or evading service, the notice may be handed to a person apparently eighteen years or older on the tenant's premises, by posting it up in a conspicuous place on the rented premises or by sending it by registered mail to the premises. If notice is mailed, it is assumed to be delivered on the third day after the date of mailing. (s. 123)

14.—(1) A landlord must have a legitimate reason for terminating a tenancy, under Part IV of the Act. The reasons, along with particulars, must be stated in the notice, whether the termination is at the end of a tenancy period or term, or during the term. (s. 99 (1))

(2) If a tenant fails to pay his rent when it is due, a landlord may give notice of termination, specifying a termination date not less than twenty days after notice is given. If the tenant pays the rent within fourteen days of the notice, the notice becomes ineffective. (s. 108)

(3) A landlord may serve a notice of termination under the following circumstances:

1. When a tenant, or his or her guests, cause undue damage to the premises, wilfully or negligently. (s. 109 (1) (a))
2. When a tenant, or his or her guests substantially interferes with the reasonable enjoyment of the premises by the landlord or the other tenants. (s. 109 (1) (c))
3. When a tenant, or his or her guests, seriously impair the safety or other lawful right, privilege or interest of any other tenants on the premises. (s. 109 (1) (d))
4. When the occupants of the premises on a continuing basis exceed the number permitted by health, safety or housing standards. (s. 109 (1) (e))

(4) If any of these latter four reasons are given, the landlord must give notice specified to be effective not less than twenty days after the date notice is given. The landlord must also inform the tenant that he has seven days to correct the situation. If, within the seven days, the tenant

complies or satisfies the landlord that the situation will be corrected, the notice is ineffective. If the tenant does not rectify the situation within the **seven days, the landlord may apply to the court for an order to evict the tenant.** (s. 109 (1-3))

(5) If there is a second breach of these obligations by the tenant within a six-month period, the landlord need give only fourteen days notice and may immediately apply to the court for an order permitting the tenant's eviction. (s. 109 (4))

15.—(1) A landlord also has cause for early termination if,

- (a) a tenant performs or commits an illegal act, or carries on an illegal business on the premises; or
- (b) a tenant in public or subsidized housing misrepresents his or her income or that of other members of his or her family occupying the residential premises. (s. 109 (1) (b) (f))

(2) Where the notice is based on one of these two reasons, the landlord must give notice specified to be effective not less than twenty days after the date the notice is given. The landlord may apply immediately to the court for an eviction order. (s. 109 (3))

16.—(1) Each reason for ending a tenancy before the end of the term or rental period also applies to **terminating at the end of a term or rental period.** (s. 110 (3))

(2) The Act recognizes additional causes for termination at the end of a rental period, as follows:

- 1. If the landlord needs the premises for himself or herself, or a member of his or her immediate family. (To qualify the landlord must give the tenant at least sixty days notice.)
- 2. The tenant has persistently failed to pay rent on the day it is due. (This cause applies even though the tenant may not be in arrears at the end of the term.)
- 3. The premises are public or subsidized housing and the tenant no longer qualifies to occupy such premises.
- 4. The tenant was provided the residential premises by an employer and the tenant's employment is ended.
- 5. The tenancy arose by virtue of an agreement to purchase a proposed condominium unit, and the agreement fell through.
- 6. A landlord needs the residential premises for demolition, conversion to use other

than rental-residential premises, or repairs or renovations so extensive as to require a building permit and vacant possession of the premises. (s. 110 (3), s. 107)

(3) Where the landlord has given a tenant notice of termination at the end of the term or rental period, the landlord may immediately apply to the county or district court for an eviction order to be effective on or after the termination date in the notice. The landlord and tenant also may agree in writing to termination on a specified day. The landlord can enforce the agreement by applying to the court for an eviction order. (s. 110)

(4) In the event of demolition, conversion to use for a purpose other than rental-residential premises (e.g., a condominium), or to make repairs or renovations so extensive as to require a building permit and vacant possession of the premises, the landlord may give notice specifying a date at or after the end of a tenancy period, and not earlier than 120 days from the date notice is given. (s. 107 (1))

(5) A tenant who gets such a notice has the following choices:

- 1. The tenant may comply.
- 2. The tenant may decide to move out on an earlier date, and if so, the tenant must give the landlord at least ten days written notice prior to the time that he or she intends to vacate and pay up any arrears of rent to the date of termination (in the tenant's notice), taking into account any security deposit for rent which may be held by the landlord.
- 3. The tenant may require the landlord to satisfy a judge that his or her claim is valid, and that he or she has obtained all necessary demolition permits or other authority. (s. 107 (2))

(6) Where the notice relates to extensive repairs or renovations, the tenant may obtain the right of first refusal to occupy the premises as a tenant when the work is completed, by indicating to the landlord in writing that he or she wishes to have this right. To retain the right, the tenant must inform the landlord by registered mail of any change of address. The rent for the premises after the renovation or repairs must be at the **lowest rent that would be charged to any other tenant for the same premises.** (s. 107 (3))

(7) Special provisions apply to the termination of a tenancy by a caretaker, janitor, manager, watchman, security guard or superintendent. Unless otherwise agreed, the tenancy ends on the day that person's employment is ended. The "caretaker" has one rent-free week from that date in which to vacate the premises. (s. 115)

17. The landlord has a right to apply to the county or district court for an order declaring a tenancy ended, for an eviction order (writ of possession), for the payment of arrears of rent or compensation, or to enforce a tenant's notice of termination or agreement to terminate, as well as the right to apply for an order that have repairs done at a tenant's expense. (s. 113)

18. In addition to the right to apply for authorization for repairs, a tenant may apply to the court to end a tenancy or have the rent lowered if the landlord failed, in a significant way, to fulfill his or her obligations. The tenant may apply to the court for a return of a rent deposit and the related interest on that deposit. (ss. 96, 113)

COURT MATTERS

19.—(1) If a landlord, or a tenant, wishes to enforce his legal remedies, he may apply to the county or district court. The party against whom the application is made will be notified of the application, and given an opportunity to challenge it in writing, or by appearing before the clerk of the court, in person, or through a representative. If the application is not challenged, notice of the order will be sent to the person against whom application was made. (s. 113)

(2) Landlords and tenants may now be represented before the judge by agents other than lawyers. Recent amendments to the Act are intended to encourage informality in these court hearings, by relaxing the strict rules of evidence. (s. 118)

EVICCTIONS

20. A tenant may only be evicted by the sheriff and his officers, under the authority of a court order permitting eviction (a writ of possession). (s. 121 (1))

MOBILE HOME PARKS

21.—(1) All of the provisions of the Act also apply to landlords of mobile home parks and owners of mobile homes (not travel or tent trailers) renting these sites in the parks. (s. 81)

(2) Tenants in these parks may sell, lease, or otherwise dispose of their mobile homes, even if the homes remain in the park. The landlord cannot unreasonably or arbitrarily withhold his consent to the new owners remaining in the park. The landlord is entitled only to charge reasonable expenses for giving his consent. Any dispute over landlord's consent may be referred to a county or district court judge. (s. 125 (1-5))

(3) The landlord is not entitled to act as the tenant's agent in the sale, rental or other disposal of the tenant's mobile home, unless there is a written contract to that effect. (s. 125 (6))

(4) Landlords are no longer permitted to charge entry and installation fees or removal and exit fees for mobile homes from the park, or for the granting of a tenancy, except to recover reasonable expenses. (s. 126)

(5) A landlord may not restrict the right of a tenant to purchase goods or services from a person of his or her choice. The landlord may, however, set reasonable standards for mobile home equipment. (s. 127)

(6) Landlords are obliged to provide garbage disposal and snow removal and to maintain roads and services within the mobile home parks. (s. 128)

NOTICE OF RENT INCREASE

22.—(1) A landlord is now required to give a tenant **ninety days' notice of a rent increase, setting out the amount of the increase.** (s. 129 (1))

(2) Unless the tenant decides to move out and gives proper, written notice, the tenant is considered to have accepted the amount of rent increase allowed by law. (s. 129 (2))

(3) During the life of the rent review legislation, the tenant does not surrender his right to challenge a rent increase by signing a new tenancy agreement, or by not responding to a landlord's notice of increase. (s. 129 (3))

TENANT'S SECURITY

23. It is an offence for a landlord to harass a tenant out of the premises, or to interfere with the supply of vital services, such as heat or electricity, while the tenant is in occupation. (s. 121 (4))

24.—(1) A judge will refuse a landlord an order permitting eviction if the court finds that the landlord,

- (a) has not lived up to his or her fundamental obligations;
- (b) wants to evict a tenant because he or she has complained to authorities about the landlord's violation of health, safety or housing laws;
- (c) is retaliating against a tenant who sought to exercise his or her legal rights;
- (d) wants to evict a tenant because he or she belongs to a tenants' association or is trying to organize one; or
- (e) wants to evict a tenant because of the presence of children (except in cases of overcrowding or premises unsuitable for children). (s. 121 (3))

(2) A group of tenants sharing a common problem with a landlord may, if a judge approves, jointly take that landlord to court. Conversely, a landlord may take a group of tenants to court, if a judge approves. (s. 119)

POSTING

25.—(1) Landlords of residential premises with more than one unit and common facilities, such as a lobby, and landlords of mobile home parks, are required to post a copy of Part IV of the *Landlord and Tenant Act*, or a copy of this summary, in a conspicuous place.

(2) The legal name and address of the landlord, for service, also must be posted. Tenants may take landlords to court in the name that is posted. (s. 104)

PENALTIES

26. The *Landlord and Tenant Act* now provides for fines of up to \$2,000 for offences under the Act. Such offences include interference with vital services, failure to post a copy of Part IV and the legal name and address of the landlord, seizure of the tenants' property for non-payment of rent, and wrongful entry of the rented premises by the landlord. (s. 122)

THE LANDLORD AND TENANT ADVISORY BUREAU

27. The Act permits municipalities to set up landlord and tenant advisory bureaus to give advice and mediate disputes between landlords and tenants, and provide information on residential tenancy matters. It is, however, up to each municipality to set up such a bureau. Landlords or tenants with problems should consult their local municipal offices to determine whether one has been established in their area. (s. 124) O. Reg. 217/76, Sched.

REGULATION 550

under the Land Titles Act

APPLICATION OF ACT

1. The Act applies to those parts of the Province to which it applied on the 28th day of December, 1980.

O. Reg. 1015/80, s. 1.

REGULATION 551

under the Land Titles Act

FEES

1. In this Regulation,

- (a) "instrument" includes any application or other document of which an entry is to be made in a register;
- (b) "combined instrument" means an instrument, other than an instrument to which subitem (4) of item 6 of the Schedule applies, in which separate and distinct interests are created, claimed, dealt with or terminated; but where in an instrument two or more parcels are dealt with or mutual rights and interests including mutual rights of way, easements or rights in the nature of easements, are dealt with or terminated, the instrument shall not, for such reason only, be considered a combined instrument.
O. Reg. 881/76, s. 1.

2.—(1) The fee for a service described in Column 1 of the Schedule, is the amount set out opposite thereto in Column 2, and shall be delivered to the proper land registrar for deposit to the credit of the Treasurer of Ontario.

(2) The fee for the registration or deposit of any instrument or plan includes the endorsement of one duplicate.

(3) Where an instrument is a combined instrument, the registration fee shall be computed as though each separate interest had been claimed, created or dealt with by a separate instrument.
O. Reg. 881/76, s. 2.

Schedule

TARIFF OF FEES

	ITEM	COLUMN 1 SERVICE	COLUMN 2 FEE
Applications for first registration	1.—(1)	For the registration of a Crown grant of public lands pursuant to section 36 of the <i>Public Lands Act</i>	no fee
	(2)	For the registration of the patentee as owner of land patented by the Government of Canada, where the patent was not registered under the <i>Registry Act</i> and is received by the Land Registrar not later than five years after the date of the patent	\$ 25.00
	2.—(1)	Except as provided by item 1, for the first registration of land under the Act	750.00
Where fee excessive	(2)	Where the fee chargeable under subitem (1) is in the opinion of the Land Registrar, having regard to the value of the land and to the nature of the applicant's title, unduly excessive, the Land Registrar may fix a lesser fee	
Several Properties	(3)	Where the titles of parts of the land included in an application are substantially different, the Land Registrar may require the fee under subitem (1) to be paid in respect of each part	

	ITEM	COLUMN 1 SERVICE	COLUMN 2 FEE
Withdrawal of Application	(4)	Where an application is withdrawn, abandoned or refused, the applicant may apply for a refund of any fee paid in respect of the application, and in determining the amount of the refund, if any, regard shall be had to the stage the application has reached	
Disbursements	(5)	Where the disbursements in respect of an application exceed \$50.00, the Land Registrar may require payment of the excess	
Condominium declarations and descriptions	3.—(1)	For the registration of a declaration and description under the <i>Condominium Act</i>	\$ 50.00
	(2)	Where the declaration and description affect more lots or parcels than one, for each lot or parcel after the first	5.00
	(3)	For each unit into which the property is divided by the description	1.00
Condominium by-laws, notices of termination and amendments to declarations or descriptions	4.—(1)	For registration of a by-law, a notice of termination or an amendment to a declaration or description under the <i>Condominium Act</i>	15.00
	(2)	Where an instrument to which subitem (1) applies is required to be recorded more than once, for each recording after the first	2.00
Transfer, charge, etc.	5.	Except where otherwise specified in this Schedule, for registration of an instrument	15.00
Extra parcels	6.—(1)	Where an instrument for which the registration fee is \$15, affects more parcels than one, for each parcel after the first	2.00
	(2)	Where an instrument for which the registration fee is \$6, affects more parcels than one, for each parcel after the first	1.00
Duplicates	(3)	For each duplicate endorsed after the first where requested at the time of registration	1.00
Multiple Assignments, etc.	(4)	For each charge after the first transferred and for each caution, execution, forfeiture, reservation, lease or notice after the first, dealt with by one instrument	2.00
Merger	(5)	Where a caution is superseded by a transfer of land to the cautioner, a charge is merged by a transfer of land to the chargee, a lease is determined by an assignment of the freehold to the lessee, or in any other case where there is a merger of registered interests in a parcel in one person	6.00
	7.	For registration of an instrument mentioned in this item	6.00
Cessation of charge, etc.	(a)	a cessation of charge, withdrawal of caution, cancellation of forfeiture, release of reservation, determination	

ITEM	COLUMN 1 SERVICE	COLUMN 2 FEE
	of lease, discharge of notice registered under section 74 of the Act, notice of release of or notice of compliance with a subdivision agreement or any similar instrument;	
Liens under the <i>Condominium Act</i> , the <i>Personal Property Security Act</i> and the <i>Mechanics' Lien Act</i>	(b) a notice of lien or discharge under section 32 of the <i>Condominium Act</i> or an instrument under the <i>Personal Property Security Act</i> or the <i>Mechanics' Lien Act</i> ;	
Instruments re provincial land taxes, etc.	(c) an instrument under the <i>Local Roads Boards Act</i> , the <i>Provincial Land Tax Act</i> or Part XIV of the <i>Mining Act</i> ;	
Tax sale notice	(d) a notice of sale under subsection 442 (5) of the <i>Municipal Act</i> ;	
Redemption receipt	(e) a certified copy of a receipt of redemption under subsection 442 (9) of the <i>Municipal Act</i> ;	
Treasurer's declaration	(f) a statutory declaration under subsection 40 (6) of the <i>Municipal Affairs Act</i> ;	
Tax arrears certificate	(g) a tax arrears certificate under subsection 40 (3) of the <i>Municipal Affairs Act</i> ;	
Redemption certificate and application on non-redemption	(h) a redemption certificate under subsection 42 (2) or a vacating certificate under subsection 45 (1) of the <i>Municipal Affairs Act</i> or an application to register a municipality as owner where the period for redemption has expired and the land has not been redeemed under that Act; or	
Certificate under the <i>Public Health Act</i>	(i) a certificate under subsection 29 (4) of the <i>Public Health Act</i> .	
Change of Address	8.—(1) For registration of a notice of change of address for service	\$ 3.00
	(2) Where the notice to which subitem (1) applies is required to be recorded more than once, for each recording after the first	1.00
	9. For registration of an instrument mentioned in this item, regardless of the number of parcels affected	1.00
Certificate under the <i>Housing Development Act</i>	(a) a certificate under subsection 3 (3) of the <i>Housing Development Act</i> ;	
Tax credit lien	(b) a notice of credit or refund or a certificate of discharge under subsection 2 (5) of <i>The Municipal and School Tax Credit Assistance Act</i> being chapter 285 of the Revised Statutes of Ontario, 1970; (see S.O. 1980, c. 18, s. 19)	
Lien clearance certificate under the <i>Land Speculation Tax Act</i>	(c) a lien clearance certificate or affidavit of exemption under the <i>Land Speculation Tax Act</i>	

	ITEM	COLUMN 1 SERVICE	COLUMN 2 FEE
Subdivision plans	10.—(1)	For registration of a plan of subdivision	\$25.00
	(2)	Where the plan affects more parcels than one, for each parcel after the first	5.00
	(3)	For each lot or block created by the plan	1.00
Plans under other Acts	11.—(1)	For registration of a plan under the <i>Expropriations Act</i> , the <i>Public Transportation and Highway Improvement Act</i> or any other plan required by any other Act except the <i>Boundaries Act</i> , to be registered, filed or deposited	15.00
	(2)	Where the plan affects more parcels than one, for each parcel after the first	2.00
Plans under the <i>Boundaries Act</i>	12.—(1)	For registration of a plan under the <i>Boundaries Act</i> , such fee as is fixed by the Director of Land Registration	
	(2)	Where a plan under the <i>Boundaries Act</i> relates to an application made under that Act by the council of a municipality, the Director of Land Registration may authorize the plan to be registered without payment of any fee for registration	
Crown resurveys	13.	For registration of a copy of the plan and field notes of a municipal or Crown resurvey under Part VIII of the <i>Surveys Act</i> ,	no fee
Reference plans	14.—(1)	For deposit of a reference plan of survey	15.00
	(2)	Where the plan affects more parcels than one, for each parcel after the first	2.00
Execution searches	15.	For a search of the execution index,	
	(a)	when a certificate is requested	no fee
	(b)	in other cases, for each name	1.00
Certificates re executions	16.	For a certificate as to executions, for each name	2.00
Searches	17.	Except as otherwise specified herein, for a search of any index or register	1.00
Productions	18.	For the production of a plan or instrument for inspection	0.25
Re-entry of parcels, etc.	19.	On application to re-enter a parcel or part of a parcel, or to consolidate two or more parcels, for each parcel re-entered or consolidated	15.00
Copies of instruments and plans	20.—(1)	For a photo-copy of an instrument or plan or part thereof, for each sheet of paper forming the copy	0.50
Copies of parcel registers	(2)	For a photo-copy, certified by the Land Registrar, of one or more pages of a parcel register, for each page copied	1.00

ITEM	COLUMN 1 SERVICE	COLUMN 2 FEE
(3)	For a paper print, made by an ammonia or similar process, of a registered or deposited plan	\$ 1.00
Certifying copies	(4)	1.00
Certificate of ownership and charge	21.	1.00
Certificates of search	22.—(1)	15.00
Recertification	(2)	5.00
	(3)	2.00
Other certificates	23.	15.00
Summons	24.	5.00
Orders	25.	5.00
Notices	26.—(1)	1.00
	(2)	
Similar proceedings	27.	
	(a)	
	(b)	
	(c)	

REGULATION 552

under the Land Titles Act

GENERAL

FIRST REGISTRATIONS

APPLICATION

1.—(1) The application for a first registration of land under the Act shall be in Form 1.

(2) Where the application is for the registration of,

(a) a nominee, under subsection 30 (1) of the Act; or

(b) a person referred to in subsection 30 (2) of the Act,

the consent in writing of the nominee or his solicitor, or of the vendor or his solicitor, shall be filed with the application.

(3) Where the application is made under subsection 30 (3) of the Act, the consent in writing of the persons, if any, whose consent is required shall be filed with the application. R.R.O. 1970, Reg. 553, s. 1 (1-3).

ABSOLUTE OR QUALIFIED TITLE

2. An application for first registration shall be supported by,

(a) a typewritten abstract of the title to the land prepared in accordance with good conveyancing practice by a solicitor containing, with respect to each registered instrument or deposit,

(i) the registration number or deposit number,

(ii) the nature of the instrument,

(iii) the date of the instrument,

(iv) the date of registration or deposit,

(v) a full description of the parties named in the instrument, the relationship between them where given, and the nature of their tenure,

(vi) a full description of the land, including any easement or other right to which the land is subject or that is appurtenant to the land with

which the instrument purports to deal, or a reference to an identical description previously set out in full, and

(vii) the particulars of every claim, interest or omission that may adversely affect the title;

(b) a typewritten statement with respect to adjoining lands containing,

(i) the name and address for service of each owner and mortgagee of land adjoining the land under application and the particulars of registration of the instrument by which his interest was acquired, including a full description of the adjoining lands,

(ii) the particulars of registration of every instrument registered against the land adjoining the land under application that creates an easement or right in the land under application, and

(iii) evidence as to common ownership, if any, of the land under application and any of the adjoining lands since the 15th day of June, 1967 and, where applicable, evidence that the *Planning Act* has been complied with in respect of any severance;

(c) a certificate of the solicitor in Form 2;

(d) an affidavit of the applicant in Form 3; and

(e) such other information or material relating to the title as the Director of Titles specifies. O. Reg. 22/76, s. 2.

3.—(1) Except where the applicant is the original grantee from the Crown, before the completion of a first registration, the land registrar shall cause a notice thereof to be,

(a) registered in the registry office of the registry division in which the land is situate;

(b) published in a newspaper having general circulation in the locality in which the land is situate or served on owners and mortgagees of lands adjoining the land of the applicant; and

(c) given in such other manner, if any, as he considers proper.

(2) A notice under subsection (1) shall be in Form 4.

(3) Where the application is for registration of a possessory or qualified title or as owner of leasehold land, the notice under subsection (1) shall be in Form 4, suitably adapted. R.R.O. 1970, Reg. 553, s. 10.

4.—(1) The applicant may withdraw his application at any time upon payment of such costs and subject to such terms as the land registrar considers just.

(2) Where an application is withdrawn after the registration of a notice of the application, the land registrar shall register a notice of the withdrawal in Form 5. R.R.O. 1970, Reg. 553, s. 11.

5. The certificate of first registration registered under subsection 55 (1) of the Act shall be in Form 6. R.R.O. 1970, Reg. 553, s. 12.

6.—(1) A person having an adverse claim or a claim not recognized in the application may, at any time before the registration is completed, file and serve upon the land registrar and the applicant, his solicitor or agent, a short statement of his claim. O. Reg. 22/76, s. 5.

(2) The claim shall be verified by an affidavit to be filed therewith and shall contain an address in Ontario at which service upon the objector may be made. R.R.O. 1970, Reg. 553, s. 13 (2).

7.—(1) The applicant or his solicitor shall obtain an appointment before the land registrar for hearing any objection that has been duly filed in the office.

(2) Service of the appointment shall be made on the objector or his solicitor seven clear days before it is returnable.

(3) The parties may be heard in person or by counsel. R.R.O. 1970, Reg. 553, s. 14.

8.—(1) The land registrar may fix costs or order costs to be paid by any person after taxation by a taxing officer of the court.

(2) Upon taxation the same fees are payable to the taxing officer as are payable upon a taxation under an order of a judge of the court, and the practice and rules applicable to a taxation under a judge's order apply. R.R.O. 1970, Reg. 553, s. 15.

9.—(1) In case of death or change of interest pending registration, the proceedings shall, subject to the provisions of the Act, be available to such person as the land registrar on application, having regard to the rights of the several persons interested in the land, directs.

(2) The court or the land registrar may,

(a) require notices to be given to persons becoming interested; or

(b) make an order for discontinuing or suspending or carrying on the proceedings, or otherwise in relation thereto, as under the circumstances may be just. R.R.O. 1970, Reg. 553, s. 16.

10.—(1) A caution to be registered against first registration shall be in Form 7 and an affidavit in Form 8 in support shall be registered therewith.

(2) The period to be limited by the notice in Form 9 to be served on the cautioner shall be seven days, or such other period of not less than four days as the land registrar directs.

(3) The notice may be served either personally or by mail as the land registrar directs. R.R.O. 1970, Reg. 553, s. 17.

DEALINGS AFTER REGISTRATION

NOTICE BY LAND REGISTRAR TO SHERIFF

11. The notice to be given under subsection 35 (1) of the Act shall be in Form 10. R.R.O. 1970, Reg. 553, s. 18.

CAUTION AGAINST DEALING WITH LAND

12.—(1) A caution to be registered under section 129 of the Act shall be in Form 11, and an affidavit in Form 12 in support of the caution shall be filed with the caution.

(2) The period to be limited by the notice in Form 13 to be served on a cautioner under section 130 of the Act shall be seven days or such other period, not less than four days, as the land registrar directs. R.R.O. 1970, Reg. 553, s. 19.

13.—(1) The land registrar may withdraw or cancel the entry of any caution upon receiving the consent in Form 14 of the cautioner or his solicitor.

(2) The consent shall be attested and verified by an affidavit in Form 15.

(3) The application to terminate a caution shall be in Form 16.

(4) At any time before the expiration of the period limited by the notice given under section 12 or given on account of any dealing submitted for registration, or any extension thereof that is granted by the master, the cautioner may show cause why the caution should be continued or why the dealing should not be registered. R.R.O. 1970, Reg. 553, s. 20.

INHIBITIONS

14.—(1) An application to the land registrar for an inhibiting order under section 23 of the Act shall be in Form 17.

(2) Where the application is to the court, it shall be entitled "In the Supreme Court of Ontario". R.R.O. 1970, Reg. 553, s. 21.

RESTRICTIONS

15.—(1) An application under section 117 of the Act shall state the particulars of the directions or restrictions required to be entered on the register.

(2) An application to withdraw or modify a direction or restriction shall be attested and verified. R.R.O. 1970, Reg. 553, s. 22.

16. An application under section 118 of the Act may be in Form 34. O. Reg. 149/72, s. 2.

17. Before an entry is made upon the register under subsection 68 (2) of the Act, the consent in writing of the persons to be entered as the registered owners of the land or charge, stating the particulars of the entry required, shall be filed in the office. R.R.O. 1970, Reg. 553, s. 23.

CHARGES

18.—(1) The instrument by which any charge of freehold or leasehold land in Form 18 is made under section 93 of the Act shall be registered, and the execution by the registered owner of the land shall be attested and verified. R.R.O. 1970, Reg. 553, s. 24 (1).

(2) Where it is desired that an entry be made on the register, contrary to subsection 81 (5) of the Act, a separate written application in that behalf shall be filed giving the particulars of the entry required to be made, and shall be signed, attested and verified. R.R.O. 1970, Reg. 553, s. 24 (2); O. Reg. 149/72, s. 3, *revised*.

(3) The verification may where practicable be made by the same affidavit as that verifying the charge.

(4) Where a foreclosure or sale has been enforced by the registered owner of the charge, the land registrar shall, upon the application of the person entitled to the benefit of the foreclosure or sale, and upon proper proof, make all necessary entries in the register.

(5) The applicant shall file a draft of the entry to which he considers himself entitled. R.R.O. 1970, Reg. 553, s. 24 (3-5).

19. A transfer of charge in Form 19 shall be attested and verified. R.R.O. 1970, Reg. 553, s. 25.

20. A postponement of charge shall be in Form 20 and shall be attested and verified. R.R.O. 1970, Reg. 553, s. 26.

21. Where a charge is created after the first registration of the land, the cessation thereof shall be in Form 21 and shall be attested and verified. R.R.O. 1970, Reg. 553, s. 27.

22. Where the cessation of a charge entered on the register is required to be noted under section 101 of the Act, and the application in Form 22 is not made or concurred in by the registered owner of the charge, proof of the satisfaction of the charge shall be filed with the application. R.R.O. 1970, Reg. 553, s. 28.

CANCELLATION OF ENTRIES IN EXECUTION BOOK

23. Where a copy of a writ of execution affecting the land of the registered owner has been received by the land registrar and there is afterwards filed by or on behalf of the owner or any person interested in the land,

(a) a subsequent certificate of the sheriff showing,

(i) that at the date thereof there is no execution in his hands against the lands of the owner and that none is outstanding for renewal or outstanding with a return of lands on hand for want of buyers or to the like effect, and

(ii) that no lands have been sold by the sheriff under an execution against the owner within six months preceding the date thereof; or

(b) any other certificate of the sheriff showing that the executions previously entered in the execution book have ceased to affect the land of the owner,

the master may cancel in the execution book all previous entries of writs against the owner. R.R.O. 1970, Reg. 553, s. 29.

TRANSFERS OF LAND

24. A transfer of land shall be in Form 23 and shall be attested and verified, with an additional affidavit as to age and spousal status in Form 24. O. Reg. 225/78, s. 1.

25.—(1) Where a transfer or charge affects land or a charge of which the transferor or chargor is the registered owner, and also land or a charge of which he is not then the registered owner, the land registrar may register the instrument in respect of the land or charge of which the transferor or chargor is the owner.

(2) Where the transferor or chargor subsequently becomes the registered owner of other land, or of another charge, included in the transfer or charge, the land registrar may register the transfer or charge as to

the other land or charge. R.R.O. 1970, Reg. 553, s. 31.

26. Where it is required to prove that a person has become entitled to any land or charge, in consequence of the death of a registered owner, the application shall be in Form 25 or 26. R.R.O. 1970, Reg. 553, s. 33.

27. Where an alphabetical index of owners is maintained and an application for the entry of a transmission upon the death of a registered owner has been granted, and a copy of the will of the owner, or of letters of administration to his estate, has been filed upon the application, the name of the deceased owner shall be entered in the alphabetical index of owners in the column headed "owner" with the word "deceased" appended thereto, and in the column headed "no. of instrument" the number in the receiving book of the application for transmission shall be inserted. R.R.O. 1970, Reg. 553, s. 34.

28.—(1) An application in Form 25 or 26 under section 120, 121, 122 or 123 of the Act shall be supported by the affidavit of the applicant, showing the existing rights of the persons interested in the land or charge, as the case may be.

(2) Where there is an intestacy, the affidavit shall be in Form 27.

(3) An application in Form 28 under section 124 of the Act shall be supported by the affidavit of the survivor or survivors of the deceased joint tenant in Form 29. R.R.O. 1970, Reg. 553, s. 35.

LEASES

29.—(1) Where a notice of a lease or agreement for a lease is to be registered under section 110 of the Act, the lease or agreement, when verified and deposited with the application in Form 30, shall be entered in full in a book to be kept for the entry of leases.

(2) Notice of the lease shall be entered in the register of the land by a short memorandum stating the fact of the lease and the length of the term and referring to the entry in the book kept for the entry of leases.

(3) Where the registered owner of the land concurs, he shall be a party to and sign the application or consent in writing thereto, and his signature shall be attested and verified. R.R.O. 1970, Reg. 553, s. 36 (1-3).

30. A transfer of leasehold land shall be in Form 31 and shall be signed, attested and verified. R.R.O. 1970, Reg. 553, s. 37.

REGISTRATIONS

31. Abstracts and copies of documents and documents submitted for registration shall be retained

pending completion of the registration to which they relate, and afterwards shall be dealt with as the land registrar directs. R.R.O. 1970, Reg. 553, s. 42.

32. Applications under the Act and material in support and transfers, charges, cautions and other documents submitted for registration shall be written on one side of foolscap paper of good quality, and shall be folded twice across and neatly endorsed. R.R.O. 1970, Reg. 553, s. 43.

33. Section 32 does not apply to any instrument issued by a court. R.R.O. 1970, Reg. 553, s. 44.

34. A document purporting to be signed or executed under a power of attorney shall not be registered unless, at or before the time of such registration, there is registered in the same land titles office,

- (a) the original power of attorney;
- (b) a copy of the original power of attorney certified by the land registrar or registrar of deeds in whose office the original power of attorney is registered; or
- (c) in the case of a power of attorney or other instrument executed by a corporation that confers upon any person authority to act for the corporation, a copy certified by an officer of the Government of Canada or Ontario in whose office the original power of attorney or instrument is deposited. O. Reg. 149/72, s. 7, *part*.

DESTRUCTION OF INSTRUMENTS

35. A land registrar may direct the destruction of any instrument in his possession or custody that has been superseded by entries in the register or has ceased to have any effect. R.R.O. 1970, Reg. 553, s. 49.

VERIFICATION OF DOCUMENTS

36.—(1) Where the execution of an instrument is required to be verified, the verification shall be by affidavit.

(2) An affidavit verifying the execution of an instrument shall be in Form 33 or in such other form as, according to the circumstances, may be approved by the Director of Titles or by a land registrar.

(3) Notwithstanding subsection (1), the verification of an instrument may be by affirmation or by solemn declaration complying with section 17 or 43 of the *Evidence Act*, respectively, instead of by affidavit.

O. Reg. 149/72, s. 9.

REGISTERS

37.—(1) The register shall be made in such a manner that where there is a registered owner of

any parcel of land, that land and any transactions relating thereto authorized to be entered on the register shall be entered on a page or succession of pages so as to form a separate record in the register, referred to in this section as the register of the parcel.

(2) Each parcel of land separately entered on the register shall be identified by a separate number and, where the land originally registered is dealt with in separate parcels, each new separate parcel shall refer to the number of the original parcel.

(3) The land registrar shall note upon the register of the parcel of the transferor the number of the parcel of the transferee's title, and upon that of the transferee the number of the parcel of the transferor.

(4) The land registrar may enter the whole or any part of a parcel of land as a new parcel either alone or with other land and may call in the outstanding land certificate for the purpose of making thereon all proper entries or memoranda or for cancellation, and upon making entries shall note in the register of the old parcel the fact of the entries, showing in the note the land so entered, and thereafter the page on which the land is newly entered and the page or pages succeeding it, set apart for the entry of dealings in respect thereto, shall be deemed to be the register of the title of the land.

(5) The land registrar may withdraw from the register, by cancellation or otherwise, any notice or entry that he is satisfied no longer affects the registered land. R.R.O. 1970, Reg. 553, s. 52.

38.—(1) There shall be kept in the land registry office for each land titles division a register to be called the Highways register.

(2) The land registrar shall record in the Highways register each plan deposited, filed or registered in his office by the Minister of Transportation and Communications under the *Public Transportation and Highway Improvement Act*. R.R.O. 1970, Reg. 553, s. 54.

39.—(1) The land registrar of a division through which,

(a) the Northern Ontario section of the trans-Canada pipe line, as referred to in the *Northern Ontario Pipe Line Crown Corporation Act* (Canada); or

(b) any pipe line constructed by TransCanada PipeLines Limited,

passes shall keep a register to be called the TransCanada PipeLine Register.

(2) All route plans defining the location of easements registered by Northern Ontario Pipe Line Crown Corporation, or TransCanada PipeLines Lim-

ited, shall be entered in the TransCanada PipeLine Register. R.R.O. 1970, Reg. 553, s. 55 (1, 2).

40.—(1) Subject to subsection (2), every instrument registered under the Act shall be microfilmed.

(2) Subsection (1) does not apply,

(a) to a plan of subdivision, judge's plan, composite plan, index plan or any similar plan; or

(b) to a reference plan of survey. O. Reg. 59/74, s. 1.

WITHDRAWAL OF LAND

41. An application for the withdrawal of land from the operation of the Act shall be in writing, shall describe and identify the land proposed to be withdrawn, and shall set out the circumstances that render the withdrawal expedient. R.R.O. 1970, Reg. 553, s. 58.

NOTICES

42.—(1) All notices and summonses required to be given or served shall be prepared by the applicant, and shall be legibly written.

(2) Copies of notices shall be under the seal of the office.

(3) If the service of a notice or summons is personal, it shall be proved by affidavit.

(4) Every notice required to be given shall, if sent by post and not returned, be deemed to have been received within seven days exclusive of the day of posting.

(5) On the return of a letter containing a notice, the land registrar shall direct service of the notice,

(a) personally;

(b) substitutionally; or

(c) by publication.

(6) Service on the solicitor or the solicitor's agent of any person shall be deemed to be good service on that person. R.R.O. 1970, Reg. 553, s. 59.

43. Where in any proceeding a notice is required to be given, the applicant shall pay the proper fees for preparing the notice, and shall prepare the requisite copies, and see that the notice is served. R.R.O. 1970, Reg. 553, s. 60.

44. A notice of change of address for service under subsection 166 (2) of the Act, shall be in Form 35.

O. Reg. 1048/80, s. 1, *part*.

SERVICE WHERE A SOLICITOR ACTS

45.—(1) Where a party is represented in the office of a master by a solicitor, all notices, orders, appointments and other documents that do not require personal service may be served,

- (a) upon the solicitor; or
- (b) where the solicitor does not reside in the county or district where proceedings are conducted, upon his agent named in "The County Solicitors' and Agents' Book" under the rules of practice and procedure of the Supreme Court, or upon his Toronto agent named in "The Toronto Solicitors' and Agents' Book" under the rules of practice of the Supreme Court.

(2) Where a solicitor has not named an agent in either of the books mentioned in subsection (1), the mailing of any notice, order, appointment or other document, addressed to the office of the solicitor, postpaid and registered, shall be deemed to be sufficient service as of the date of mailing. R.R.O. 1970, Reg. 553, s. 61.

DISCRETION OF LAND REGISTRAR

46. Where the signing or execution of any document or instrument or any act is required by this Regulation to be attested, verified or done by a solicitor, the land registrar if he thinks fit may accept the document or instrument though not so attested or verified, or may give directions in respect of the act though not so done and he may,

- (a) accept an instrument though not verified by an affidavit of a subscribing witness if satisfied of the execution thereof;
- (b) accept a covenant or other indemnity to protect the Assurance Fund in respect of any matter as to which a question may arise; and
- (c) accept and register documents that are irregular or deficient in form. R.R.O. 1970, Reg. 553, s. 63; O. Reg. 149/72, s. 13.

BOOKS

47.—(1) Every land registrar shall keep,

- (a) a fee and receiving book; and
- (b) a suspense book,

in such form as is approved by the Director of Land Registration. O. Reg. 149/72, s. 15, *part*.

(2) Upon the completion of the entry of an instrument in the register, a note thereof shall be entered in the receiving and fee book, and from time to time the land registrar shall enter from that book into the sus-

pense book, or other form of record, all instruments of which registration is delayed.

(3) As the registration of instruments entered on a page of the receiving and fee book or their transfer to the suspense book or other form of record is completed, the master shall rule a diagonal line across the page of the receiving and fee book so as to indicate that all instruments previously entered therein have been registered, rejected or entered in the suspense book or other form of record.

(4) The pages of the suspense book shall be dealt with in the same manner as the receiving and fee book as the instruments entered are disposed of. R.R.O. 1970, Reg. 553, s. 66 (4-6).

OFFICE HOURS

48. Every land registry office shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon, local time. O. Reg. 1048/80, s. 1, *part*.

49.—(1) The day, hour and minute of receipt of an instrument presented for registration by a person other than the Government of Ontario shall not be noted thereon until the fees for the registration are paid.

(2) Where the fees for the registration of an instrument are not paid within fifteen days after the receipt of the instrument, the land registrar shall return the instrument to the person who presented it. R.R.O. 1970, Reg. 553, s. 70.

50. Fees received in respect of applications for first registration and other matters entered in the procedure books shall, upon the application or other matter being disposed of, be entered in the receiving and fee book, and a note made in the procedure book. R.R.O. 1970, Reg. 553, s. 71.

APPLICATIONS TO COURT AND APPEALS

51.—(1) Applications to the court and appeals from the land registrar shall be in the same manner and subject to the same rules as appeals from the master of the Supreme Court, except that the notice of appeal shall be served within seven days after the decision complained of, or within such further time as is allowed by a judge of the court or by the director of titles, and the motion is returnable within fourteen days after the decision, or within such other time as is allowed.

(2) No appeal from a decision or order of the land registrar or of the court affects any registered dealing for valuable consideration before a notice in writing of the appeal has been deposited and a note thereof made in the register. R.R.O. 1970, Reg. 553, s. 72.

52. An application for financial assistance out of The Land Titles Survey Fund under subsection 59 (2)

of the Act shall be in Form 34. R.R.O. 1970, Reg. 553, s. 73.

53. A direction of the Attorney General under subsection 59 (2) of the Act shall be in Form 36. R.R.O. 1970, Reg. 553, s. 74.

54. An application for payment of compensation out of The Land Titles Assurance Fund under subsection 60 (5) of the Act shall be in Form 37 and shall be accompanied by a declaration in Form 38. R.R.O. 1970, Reg. 553, s. 75.

55. A notice of determination by the Director of Land Registration under subsection 60 (7) of the Act shall be in Form 39. O. Reg. 149/72, s. 16.

56. A certificate of the Director of Land Registration under subsection 60 (9) of the Act shall be in Form 40. R.R.O. 1970, Reg. 553, s. 77.

OATHS OF OFFICE

57.—(1) An oath of office under section 15 of the Act shall be in Form 41.

(2) An oath of office referred to in subsection (1) shall be sworn before the local Crown Attorney or such other person having authority to administer an oath as may be approved by the Director of Land Registration. R.R.O. 1970, Reg. 553, s. 78.

Form 1

Land Titles Act

APPLICATION FOR FIRST REGISTRATION

To.....
(name of proper land registrar at.....)

A.B. being entitled for his own benefit to an estate in fee simple (or, as the case may be) in the land in Schedule "A" hereto attached applies to be registered (or, where applicable, to have registered C.D.) as owner of the land (or leasehold land) with an absolute title (or, as the case may be).

The address for service of the said A.B. (and C.D. respectively) is at.....

Dated at this day of....., 19....

.....
(signature of applicant
or his solicitor)

O. Reg. 22/76, s. 6.

Form 2

Land Titles Act

CERTIFICATE OF SOLICITOR

THIS IS TO CERTIFY THAT I have investigated

the title of the applicant.....
(herein insert name of

..... and believe the said applicant to be
applicant)
the owner in fee simple of

(herein insert brief description of lands
under application)

being the lands described in the application.

SUBJECT ONLY to the encumbrances hereinafter

set out:

.....
(herein insert particulars of registration of each
encumbrance)

AND SUBJECT to the following claims, interests,
or omissions which may adversely affect the title
of the applicant

.....
.....
(herein set out particulars of any claim, interest,
or omission)

AND I FURTHER CERTIFY THAT I have con-
ferred with the said applicant on the matters set
forth in the affidavit of the applicant filed in support
of this application, and I verily believe that the
statements of the applicant therein set out are true.

AND I FURTHER CERTIFY THAT the type-
written abstract of title and typewritten statement
with respect to adjoining lands submitted in support
of the application were prepared from my search
of the title of the applicant's land and of adjoining
lands and that the particulars of every claim,
interest or omission of which I have actual or
constructive notice and which may adversely affect
the title of the applicant have been noted on the
said abstract or statement.

IN WITNESS WHEREOF I have hereunto set my
hand at this day
of, 19....

.....
(signature of solicitor)

O. Reg. 247/75, s. 2.

Form 3*Land Titles Act***AFFIDAVIT**

I, of
make oath and say:

1. I am the owner in fee simple (or, as the case may be) of the land mentioned in the application.
2. There is no charge or encumbrance affecting the title to the land (except, stating any encumbrances).
3. I am not aware of any person having any claim or interest in the said lands or any part thereof adverse to or inconsistent with the title (except specify adverse claim or interest).
4. I (or, as the case may be) am in actual occupation of the land (or if a tenant is in occupation, state how he claims to hold and how he in fact holds; and if the tenancy is under an instrument in writing, produce it; and if no person is in actual occupation, so state).
5. Attached hereto and marked as Exhibit "A" to this my affidavit is a paper print of the proposed reference plan filed with my application.

SWORN before me

at

this day of

....., 19.....

.....

A Commissioner, etc.

O. Reg. 22/76, s. 7.

Form 4*Land Titles Act***NOTICE OF APPLICATION**

RE APPLICATION NO.

TAKE NOTICE that has (have)
made an application to be registered (or, where

applicable, to have registered)
as the owner(s) in fee simple under the *Land Titles Act* with an absolute title to (identify land)

AND TAKE NOTICE that any person claiming to have any title to or interest in the said land or any part thereof (other than an interest protected by registration) is required, on or before the day

of, 19.... to file a statement of his claim, verified by affidavit, in my office at and to serve a copy thereof on the applicant. The address of the applicant for service is

I have directed this notice to be served upon you because you appear to be the of the lands adjoining to the of the lands under application.

To:

Dated at this day of,
19....

.....
(Director of Titles)

O. Reg. 22/76, s. 8.

Form 5*Land Titles Act***NOTICE OF WITHDRAWAL OF APPLICATION**

TAKE NOTICE that has (have) withdrawn the application for registration under the *Land Titles Act* of the land more particularly described in the attached Schedule,

And that proceedings under the Act have therefore been discontinued.

Dated at, this day of, 19....

.....
(Land Registrar)

R.R.O. 1970, Reg. 553, Form 4.

Form 6

Land Titles Act

CERTIFICATE OF FIRST REGISTRATION
AS OWNER

THIS IS TO CERTIFY THAT as of the time of registration
of this certificate was (were)
registered under the *Land Titles Act* in the Land
Registry Office for the Land Titles Division of

.....as the owner(s) of (identify
land).....

.....

AND THAT the said land is registered in the said
Land Titles Division as Parcel.....in the
Register for.....

IN WITNESS WHEREOF I have hereunto subscribed
my name and affixed my Seal this.....day of
....., 19....

.....
(Director of Titles)

O. Reg. 22/76, s. 9.

Form 7

Land Titles Act

To.....
(the Land Registrar at)

I, A.B., of....., have such an interest in the
land herein described as entitles me to object to
any disposition thereof being made without my consent,
and I am entitled to notice of any application that may
be made for the registration of the land.

The following is a description of the land:

My address for service is.....

Dated at.....this....day of....., 19....

.....
(signature of cautioner)

R.R.O. 1970, Reg. 553, Form 6.

Form 8

Land Titles Act

I, A.B., of....., make oath and say as follows:
My interest in the land described in the above
(or annexed) caution entitles me to object to any
disposition of the land being made without my
consent, and the nature of my interest is as follows:

Sworn,.....

R.R.O. 1970, Reg. 553, Form 7.

Form 9

Land Titles Act

To.....

Take notice that C.D., of....., has applied to
be registered (or to have registered in his stead
E.E., of.....) as owner of the land in the.....

of....., in the....., affected by the caution
dated the....day of....., 19..., registered
by you in the Land Registry Office for the Land Titles

Division of, and
if you intend to oppose the registration, you are to
attend either in person or by your solicitor or counsel
for that purpose before me at my office on the
....day of....., 19...., at....o'clock in
the....noon.

.....
(signature of Land Registrar)

R.R.O. 1970, Reg. 553, Form 8.

Form 10

Land Titles Act

To the sheriff of.....

Take notice that I have entered....of.....the
patentee as owner of land in your bailiwick.

Dated at.....this....day of....., 19....

.....
(signature of
Land Registrar at

.....)

R.R.O. 1970, Reg. 553, Form 9.

Form 11

Land Titles Act

To.....
(the Land Registrar at)

I, A.B., of....., being interested in the land registered in the name of G. H., as parcel....in the register for.....(or in the charge registered as number....., in the name of E.F., of....., as owner and being on parcel.....) require that no dealing with the land (or charge) be had on the part of the registered owner (or other named person who is shown to have an interest in the land) until notice has been served upon me.

My address for service is.....

Dated at.....this....day of....., 19....

.....
(signature of
cautioner or his solicitor)

R.R.O. 1970, Reg. 553, Form 10.

Form 12

Land Titles Act

I, A.B., of....., make oath and say as follows:

I am interested in the land (or charge) mentioned in the above (or annexed) caution and the particulars of my interest are as follows:

Sworn,.....

R.R.O. 1970, Reg. 553, Form 11.

Form 13

Land Titles Act

To.....

Take notice that the caution registered by you in the Land Registry Office for the Land Titles Division of, on the day of, 19...., as No....., requiring that no dealing with the land (or charge) registered in the name of.....should be had on the part of the registered owner until notice has been served upon you, will cease to have any effect after the expiration of....days after this notice is served.

And I appoint the....day after service hereof at my office, at 11 o'clock a.m., to hear the parties interested.

And I direct that this notice, with proof of service thereof, be filed with me before the.....day after service, and in case it is not filed, I do order that the caution shall not cease to have effect until the expiration of.....days from the filing of the notice and the proof.

.....
(signature of Land Registrar)

R.R.O. 1970, Reg. 553, Form 12.

Form 14

Land Titles Act

To.....
(the Land Registrar at)

I, A.B., of....., the cautioner, named in a caution No.....in respect of the land registered as parcel.....in the register for....., (or in respect of a charge registered as No....., and being on parcel.....), hereby authorize you to enter in the register a cessation of the caution.

Dated at.....the.....day of....., 19...

Witness:

E.F.

.....
(signature of A.B. or the solicitor)

R.R.O. 1970, Reg. 553, Form 13

Form 15

Land Titles Act

**AFFIDAVIT IN SUPPORT OF
WITHDRAWAL OF CAUTION**

I.....
of the.....of.....in the
.....of.....make
oath and say:

I was present and saw the attached withdrawal of caution executed and I verily believe that the

person(s) whose signature(s) I witnessed is (are) the cautioner(s) [or the solicitor for the cautioner(s)] referred to therein.

SWORN before me

at the.....

of.....

this.....day of.....,

19...

A Commissioner, etc.

.....

O. Reg. 149/72, s. 18, *part*.

Form 16

Land Titles Act

To.....
(the Land Registrar at))

A.B., the registered owner (or the transferee of C.D. the registered owner) of the land registered as parcel No.....in the register of land titles for...in the name of A.B. (or C.D.) applies for a notice to be served.....terminating caution No....registered by E.G.

This application is made upon the following grounds:

The address of A.B. for service is.....

Dated at.....this....day of....., 19..

.....
(signature of A.B. or his solicitor)

R.R.O. 1970, Reg. 553, Form 15.

Form 17

Land Titles Act

To.....
(the Land Registrar at))

C.D. of....., being interested in the land registered in the Land Registry Office for the Land Titles Division of, in the name of.....as parcel No.....in the register

for, (or in charge number....registered theday of....., 19...., in the name of....)

hereby requests you to issue an order or make an entry inhibiting any dealing with the land (or charge) under section 26 of the Act.

In support of this application is the affidavit of the applicant or his solicitor filed.

The address of C.D. for service is.....

Dated at.....this....day of....., 19...

.....
(signature of C.D. or his solicitor)

R.R.O. 1970, Reg. 553, Form 16.

Form 18

Land Titles Act

I, A.B., the registered owner of the land entered in the Land Registry Office for the Land Titles Division of, as parcel in the register for in consideration of paid to me, charge the land with the payment to C.D. of....., on the....day of....., 19... of the principal sum of.....dollars with interest at the rate of...per cent per annum, and with a power of sale to be exercised after default, and... months' subsequent notice of the intention to sell (as the case may be and add any covenants agreed to and not implied under the Act or otherwise).

I, E.B., wife of A.B., hereby bar my dower in the land.

This charge is made in pursuance of the *Mortgages Act* and the *Short Forms of Mortgages Act* (where it is desired to operate under either or both of those Acts).

Dated at.....the....day of....., 19...

.....
(signatures of A.B. and E.B.)

Witness:
X.Y.

R.R.O. 1970, Reg. 553, Form 17.

Form 19

Land Titles Act

I, C.D., the registered owner of the charge dated the.....day of.....19...., made by A.B., and numbered....charging the land registered as parcel....., in consideration of....., paid to me, transfer that charge to E.F., of.....as owner.

(Where the charge is transferred upon an agreement to re-transfer it upon the payment of a sum of money or upon the performance of any other conditions insert:

E.F. hereby agrees that he will, upon payment to him of the sum of \$.....on the.....day of....., 19...., with interest thereon at....per cent from the....day of....., 19...., re-transfer the charge to C.D.)

Dated at.....the....day of....., 19....
.....
(signature)

Witness:
X.Y.

R.R.O. 1970, Reg. 553, Form 18.

Form 20

Land Titles Act

I, A.B., the registered owner of charge No.... entered in the register of parcel No....at..... made by C.D., to me, (or to E.F., and transferred to me) hereby postpone the charge to charge No.... made to C.D., to G.H.

Dated at.....this....day of....., 19....
.....
(signature of
registered owner of charge)

Witness:
X.Y.

R.R.O. 1970, Reg. 553, Form 19.

Form 21

Land Titles Act

CESSATION OF CHARGE

To
(the Land Registrar for the Land Titles Division of)

I, A.B., of....., the registered owner of the charge made by C.D. to me, (or to E.G. and transferred to me) dated, and registered in the Land Registry Office for the Land Titles Division of as No. on the land (or part of the land) registered as parcel in the register for hereby authorize you to enter in the register the cessation of the charge as to the land described as follows:

(Note: A registerable description of the land to be discharged is required, whether the cessation is partial or complete).

Dated at.....the....day of....., 19....

Witness:
G.H. (signature)

O. Reg. 637/79, s. 1.

Form 22

Land Titles Act

A.B., the registered owner of the land entered in the register for as parcel No. requests the land registrar to notify on the register the cessation of the charge made by the said A.B., dated theday of.....and numbered.....and now appearing as an encumbrance upon the land, the charge having been paid off and satisfied, as appears by the receipts and affidavits of C.D. and E.F. filed herewith.

Dated at.....the....day of....., 19....
.....
(signature of A.B. or his solicitor)

R.R.O. 1970, Reg. 553, Form 21.

Form 23

Land Titles Act

I, A.B., the registered owner of the freehold
(or leasehold land) registered as parcel No.....
at.....in consideration of....dollars paid to
me, transfer to C.D., of....., the land de-
scribed as follows:

being the whole (or part) of the parcel.

And I, E.B., wife of A.B., hereby bar my dower
in the land (where bar of dower is necessary).

Dated at.....the....day of....., 19....
.....
(signatures)

Witness:

R.R.O. 1970, Reg. 553, Form 22.

Form 24

Land Titles Act

AFFIDAVIT OF AGE AND SPOUSAL
STATUS

I,
of of
..... of
make oath and say:

(a) *Where the affidavit is made by a party who is
not a spouse within the meaning of clause 1
(f) of the Family Law Reform Act:*

When I executed the attached instrument, I
was not a spouse within the meaning of
clause 1 (f) of the *Family Law Reform Act*,
and I was at least 18 years old.

(b) *Where the affidavit is made by spouses
within the meaning of clause 1 (f) of the Fam-
ily Law Reform Act, both being owners and
parties:*

When we executed the attached instrument,
we were spouses of one another within the
meaning of clause 1 (f) of the *Family Law Re-
form Act*, and we were each at least 18 years
old.

(c) *Where the affidavit is made by one spouse
within the meaning of clause 1 (f) of the Fam-
ily Law Reform Act, on behalf of both, both
being owners and parties:*

When we executed the attached instru-
ment was my
spouse within the meaning of clause 1 (f) of
the *Family Law Reform Act*, and we were at
least 18 years old.

(d) *Where the affidavit is made by a party who is
a spouse within the meaning of clause 1 (f) of
the Family Law Reform Act, and his spouse
has not joined in or consented:*

When I executed the attached instrument, I
was a spouse within the meaning of clause 1
(f) of the *Family Law Reform Act*, and I was
at least 18 years old.

(e) *Where the affidavit is made by a spouse
within the meaning of clause 1 (f) of the Fam-
ily Law Reform Act, and his spouse joins in,
other than as an owner, or consents:*

When I executed the attached instru-
ment was my
spouse within the meaning of clause 1 (f) of
the *Family Law Reform Act*, and I was at
least 18 years old.

(f) NOTE: Where the affidavit is made by a
person signing on behalf of a party
under a power of attorney, the
attorney shall depose as to the age
of the principal at the time of the
execution of the power of attorney
and the principal's status as a
spouse at the time of execution of
the instrument.

(Severally) Sworn before me

at the of }
..... this }
day of }
19.. }

.....
A Commissioner, etc. O. Reg. 225/78, s. 2.

Form 25

Land Titles Act

To
(the Land Registrar)

A.B., the registered owner (or one of the registered owners) of the land entered in the register for as parcel....., died on the..... day of....., 19....

C.D., of.....being interested in the land, applies to be registered (or to have E.F., of....., registered), as owner of the land, as executor, administrator, or devisee (or as the case may be).

(State shortly the facts under which title is claimed, and in case the registered owner died intestate as to these lands, add a clause similar to the following:

1. A.B. died intestate and a widower and left him surviving the following children who are his next of kin: C.B., D.B., and G.F., wife of H.F.

2. No other child of A.B. survived him and no child of A.B. predeceased A.B., leaving issue.)

The evidence in support of this application consists of letters of administration or probate to the estate of A.B., the affidavits of the applicant and his solicitor and

.....
(other evidence, if any, produced)

The address of C.D. is.....
(address)

Dated the.....day of....., 19..

.....
(signature of C.D. or his solicitor)

R.R.O. 1970, Reg. 553, Form 25; O. Reg. 149/72, s. 19.

Form 26

Land Titles Act

A.B., the registered owner of the leasehold land registered as parcel No.....at.....(or charge No.....dated the....day of....., 19....) died on.....day of....., 19....

C.D., of....., is entitled to the leasehold land (or charge) and applies to be registered as the owner thereof.

(State shortly the facts which confer title.)

The evidence in support of this application consists of the affidavit of the applicant and his solicitor and the letters probate (or letters of administration).

The address of C.D. is.....

Dated at.....the....day of....., 19..

.....
(signature of C.D., or his solicitor)

R.R.O. 1970, Reg. 553, Form 26.

Form 27

Land Titles Act

I, A.B., of....., make oath and say:

1. I am the administrator of C.D., formerly of

.....
2. That C.D. was the registered owner of parcel No.....at.....and died on or about theday of....., 19...., intestate.

3. Here give the name of widow or widower and the name, address, and age of any child or issue of a deceased child who survived the intestate, and if none then of the next of kin.

Sworn,.....

R.R.O. 1970, Reg. 553, Form 28.

Form 28

Land Titles Act

Application to Remove Name of Deceased Joint Tenant

To.....
(the Land Registrar at)

A.B. of.....and C.D. (or C.D. and E.F.), are the registered owners as joint tenants of the land registered as parcel No.....in the register for (or charge No.....dated theday of....., 19....).

A.B. died on the....day of....., 19..

C.D. (or C.D. and E.F.), being entitled to the land (or charge) by survivorship, hereby applies (or apply) to have removed from the register the name of A.B., the deceased joint tenant.

The evidence in support of this application consists of

- (1) the affidavit of the applicant(s),
- (2) the affidavit of the applicant's(s') solicitor,
- (3) the consent of the Treasurer under *The Succession Duty Act*, and
- (4) the letters probate or of administration of the estate of A.B. or the death certificate issued in respect of the death of A.B.

The address of C.D. (or C.D. and E.F.) is.....

Dated at.....the....day of....., 19..

.....
(signature of C.D. (or C.D. and E.F.) or his (or their) solicitor.)

R.R.O. 1970, Reg. 553, Form 29.

Form 29

Land Titles Act

I (or We), C.D. (or C.D. and E.F.) of....., make oath and say:

1. That A.B. and I (or We) are the registered owners as joint tenants of the land registered as parcel No.....in the register for.....(or charge No.....dated the....day of....., 19...).

2. That A.B. died on the....day of....., 19..

3. That I (or We) am (or are) entitled by right of survivorship to have the name of A.B., the deceased joint tenant, removed from the register.

Sworn,.....

R.R.O. 1970, Reg. 553, Form 30.

Form 30

Land Titles Act

To
(the Land Registrar at)
C.D., of....., being interested in the land

entered in the register for.....as parcel No....., of which A.B. is the registered owner, by reason of the lease (or agreement for a lease) produced herewith, applies to you to register notice of the lease (or agreement).

A.B., the registered owner of the land, concurs in this application (when that is the fact).

The address of C.D. for service is.....

Dated at.....the....day of....., 19..

.....
.....
(signatures)

Witness:

R.R.O. 1970, Reg. 553, Form 31.

Form 31

Land Titles Act

I,, of the of, the registered owner of the leasehold land registered in the Land Registry Office for the Land Titles Division

of as parcel No. in the register for....., in consideration or the sum ofdollars paid to me, transfer to.....of....., the land described as follows:

.....
being the whole of the parcel for the residue of the term and all rights of renewal and other privileges contained therein.

Dated at.....this.....day of....., 19..

Witness:

I consent to this transfer

.....
Deputy Minister
(or as the case may be)
R.R.O. 1970, Reg. 553, Form 32.

Form 32

Land Titles Act

To
(the Land Registrar at)

A.B., of, the registered owner of the land entered in the register as parcel No. at, requests the land registrar to register as annexed to the

land the conditions (or covenants), a copy of which is filed herewith.

Dated at.....this....day of....., 19..

.....
(signature of A.B.)

Witness:

R.R.O. 1970, Reg. 553, Form 33.

Form 33

Land Titles Act

AFFIDAVIT OF SUBSCRIBING WITNESS

I.....
of the.....of.....in the
.....of.....make
oath and say:

I am a subscribing witness to the attached instrument and I was present and saw it executed at
.....by.....

NOTE: Where a party is unable to read the instrument or where a party signs by making his mark or in foreign characters, add "after the instrument had been read to him and he appeared fully to understand it"; where executed under a power of attorney, insert

"(.....), as attorney for
(name of attorney)

(.....)
(name of party)

I verily believe that each person whose signature I witnessed is the party of the same name referred to in the instrument (or I verily believe that the person whose signature I witnessed was authorized to execute the instrument as attorney for.....).

SWORN before me

at the.....

of.....

this.....day of.....,

19...

A Commissioner, etc.

.....

O. Reg. 149/72, s. 21, *part.*

Form 34

Land Titles Act

APPLICATION FOR FINANCIAL
ASSISTANCE UNDER SUBSECTION 59 (2)
OF THE ACT

In The Matter of:.....
(give short description of land)

.....

To the Director of Titles:

1. I (We).....

of the.....of.....

in the.....of....., the

registered owner, under the *Land Titles Act*, of the above-described land.

or

2. I (We).....

of the.....of.....

in the.....of....., the
applicant for first registration, under the *Land Titles Act*, of the above-described land.

or

3. The Council of the.....
(name of municipality)

hereby apply for financial assistance out of The Land Titles Survey Fund in respect of the costs of a survey of the above-described land.

The reason for this application is as follows:

.....
(give full particulars)

The costs, or the estimated costs, of the survey, are \$....., as indicated by the attached statement of account or estimate (or copy thereof) of..... an Ontario Land Surveyor.

Dated at.....
this....day of.....
19....

(signature of owner or
Municipal clerk, as the
case may be)

R.R.O. 1970, Reg. 553, Form 40.

Form 35

Land Titles Act

NOTICE OF CHANGE OF ADDRESS
FOR SERVICE

To: The Land Registrar
for the Land Titles Division of

I, (We), (set out names, as registered).....
.....

being the owner(s) (or, as the case may be) under
(instrument)

registered as No. ... in respect of the land registered

as Parcel..... in the Register for
under subsection 166 (2) of the *Land Titles Act*, hereby
change my (our) address for service, as of (date) to
(address).

.....
date

Witness
.....
signature(s)

O. Reg. 1048/80, s. 2.

Form 36

Land Titles Act

DIRECTION OF THE MINISTER OF JUSTICE
AND ATTORNEY GENERAL UNDER
SUBSECTION 59 (2) OF THE ACT

In The Matter of an application by.....
for financial assistance out of The Land Titles
Survey Fund in respect of a survey of:.....
(give short

.....
description of land)

To: The Accountant of
The Supreme Court of Ontario;

Upon the recommendation of the Director of
Titles, I hereby direct you to pay to the applicant
.....the sum of \$......out of The Land
Titles Survey Fund in the following manner and at
the following time(s).

Dated at Toronto, this....day of....., 19..
.....

Minister of Justice and
Attorney General

R.R.O. 1970, Reg. 553, Form 41.

Form 37

Land Titles Act

APPLICATION FOR PAYMENT OF
COMPENSATION OUT OF THE LAND TITLES
ASSURANCE FUND UNDER SUBSECTION
60 (5) OF THE ACT

In The Matter of the title to land registered in the
Land Registry Office for the Land Titles Division
of

as
Parcel.....in the Register for.....
in the name(s) of.....

To The Director of Titles:

I, (We).....
of the.....in the.....of.....,
being otherwise unable to recover just compensation
for loss, hereby apply for payment of compensation
out of The Land Titles Assurance Fund in the

amount of \$......in respect of the above-men-
tioned land.

The reason for this application is as follows:

.....
(give full particulars)

My (Our) address for service is:.....
.....

Dated.....this.....day of....., 19....

.....
(signature of applicant)

R.R.O. 1970, Reg. 553, Form 42.

Form 38

Land Titles Act

DECLARATION IN SUPPORT OF
APPLICATION UNDER SUBSECTION 60 (5)
OF THE ACT

In The Matter of the title to land registered in the
Land Registry Office for the Land Titles Division
of as Parcel

..... in the Register for

in the name(s) of

.....

I (We),, solemnly
declare that the statements made in my (our)
application for compensation out of The Land
Titles Assurance Fund in respect of the above-
mentioned land are true, and I (we) make this
solemn declaration conscientiously believing it to
be true, and knowing that it is of the same force
and effect as if made under oath.

Declared before me

at the.....of.....

this...day of....., 19..

A Commissioner, etc.

R.R.O. 1970, Reg. 553, Form 43.

Form 39

Land Titles Act

NOTICE OF DETERMINATION UNDER
SUBSECTION 60 (7) OF THE ACT

In The Matter of title to land registered in the
Land Registry Office for the Land Titles Division
of as Parcel

..... in the Register for

in the name(s) of

.....

And In The Matter of the Application of.....

.....for compensation out of The
Land Titles Assurance Fund.

And Upon the recommendation of the Director
of Titles, I hereby determine that:

1. The Land Titles Assurance Fund is not liable
for payment of compensation to the applicant.

or

2. The applicant be paid the sum of \$.....
in full satisfaction of his application for compen-
sation. (Where costs of the proceedings are awarded
add:

“and the sum of \$....., being the costs of
the proceedings”.)

Dated at Toronto, this....day of....., 19..

.....
(Director of Land Registration)

To: (Name and address of applicant)

R.R.O. 1970, Reg. 553, Form 44; O. Reg. 149/72,
s. 22.

Form 40

Land Titles Act

CERTIFICATE UNDER SUBSECTION 60 (9)
OF THE ACT

In The Matter of title to land registered in the
Land Registry Office for the Land Titles Division
of as Parcel

..... in the Register for

in the name(s) of

And In The Matter of the Application of.....

.....for compensation out of The
Land Titles Assurance Fund,

Whereas, it was determined by.....
(the court or the

.....
Director of Land Registration, as the case may be)

that the sum of \$.....be paid to.....,
the applicant(s).

And notice of determination having been sent
by registered mail to.....

the applicant(s) on the day of....., 19..

And Whereas the time for any appeal has expired.

To The Treasurer of Ontario:

This is to certify that the sum of \$.....is

payable to....., the applicant(s).
Dated at Toronto, this....day of....., 19....
.....
(Director of Land Registration)
R.R.O. 1970, Reg. 553, Form 45.

Form 41

Land Titles Act

OATH OF OFFICE AND SECRECY TO BE
TAKEN BY OFFICERS APPOINTED UNDER
THE ACT

I, (name in full) do swear that I will faithfully
and to the best of my ability discharge my duties

as Land Registrar for theof
(or as the case may be) and will observe and comply
with the laws of Canada and Ontario, and, except as I
may be legally required, I will not disclose or give to
any person any information that comes to my knowl-
edge or possession by reason of my being Land Regis-
trar (or as the case may be).

So help me God.

SWORN before me

at the.....of.....	
in the.....of.....	.....
this....day of....., 19...	
.....	

R.R.O. 1970, Reg. 553, Form 46.

REGULATION 553

under the Land Titles Act

LAND TITLES DIVISIONS

1.—(1) Where part of a land titles division is combined with or annexed to an adjoining land titles division under section 4 of the Act, the land registrar of the land titles division that is reduced by the combination or annexation shall, within such time as the Director of Land Registration requires, deliver to the land registrar of the land titles division that is enlarged by the combination or annexation,

- (a) every registered instrument and every deposited reference plan or a microfilm copy thereof that relates exclusively to land in the combined or annexed area;
- (b) a certified copy of every registered instrument and plan or a microfilm copy thereof that relates in part to land in the combined or annexed area;
- (c) every parcel register for the land in the combined or annexed area, where all the land mentioned therein is combined or annexed, or a certified copy of so much of every parcel register as relates to land in the combined or annexed area;
- (d) the portion or a certified copy of the portion of the highways register relating to land in the combined or annexed area;
- (e) the portion or a certified copy of the portion of the Trans-Canada Pipe Line register relating to land in the combined or annexed area;
- (f) a certified copy of the Condominium Corporations Index showing the particulars of registration of every condominium corporation within the combined or annexed area;
- (g) those parts of the Condominium Register that relate exclusively to land in the combined or annexed area;

(h) all instruments that are recorded in the Condominium Register and relate to land in the combined or annexed area or microfilm copies thereof; and

(i) such other records as the Director of Land Registration requires.

(2) Where a certified copy is required to be delivered by this section, the copy shall be certified by the land registrar who is required to deliver the copy.

(3) A land registrar whose land titles division is enlarged shall enter in the appropriate index all plans and certified copies of plans received under clauses (1) (a) and (b). O. Reg. 1049/80, s. 1.

2.—(1) The land registrar from whose office records are to be transferred shall cause a search to be made in the index of writs of execution filed in his office as of the last business day preceding the effective date of inclusion in respect of every registered owner of land within the area to be detached from his land titles division and shall make a notation in each of the parcel registers and unit registers concerned either to the effect that there is no writ of execution against the name of the owner or giving particulars of any writ that may appear to affect the owner, having regard to section 32 of the *Execution Act*.

(2) In subsection (1), "unit registers" means the unit registers required under clause 5 (d) of Regulation 121 of Revised Regulations of Ontario, 1980.

(3) Where there is on file in the office of the land registrar from whose land titles division land is being detached a writ of execution appearing to affect the lands of a registered owner within the area, the land registrar shall forward a copy of the writ to the land registrar whose land titles division is being enlarged by the inclusion. O. Reg. 1049/80, s. 2.

3. The requirements of sections 1 and 2 may, with the approval of the Director of Land Registration, be varied to apply to special circumstances. O. Reg. 1049/80, s. 3.

REGULATION 554

under the Land Titles Act

SURVEYS AND DESCRIPTIONS OF LAND

1. Regulation 898 of Revised Regulations of Ontario, 1980 applies to instruments and plans executed on or after the 1st day of February, 1979. O. Reg. 936/78, s. 1.

2. Regulation 552 of Revised Regulations of Ontario, 1970 and sections 56 and 57 of Regulation 553 of Revised Regulations of Ontario, 1970 continue to apply to instruments and plans executed prior to the 1st day of February, 1979.

REGULATION 555

under the Land Transfer Tax Act

AFFIDAVITS

- 1. An affidavit under clause 16 (4) (a) of the Act shall be in Form 1. O. Reg. 110/75, s. 1.
- 2. An affidavit under clause 16 (4) (b) of the Act shall be in Form 2. O. Reg. 110/75, s. 2.
- 3. An affidavit under clause 16 (4) (c) of the Act shall be in Form 3. O. Reg. 110/75, s. 3.
- 4. An affidavit under clause 16 (4) (d) of the Act shall be in Form 4. O. Reg. 110/75, s. 4.
- 5. An affidavit under clause 16 (4) (e) of the Act shall be in Form 5. O. Reg. 110/75, s. 5.

Form 1

Land Transfer Tax Act

AFFIDAVIT

IN THE MATTER OF THE CONVEYANCE OF: _____

(insert brief description of land)

TO: _____

(insert names of all transferees)

I: _____
(print name)

OF: _____
(print address)

MAKE OATH AND SAY AS FOLLOWS:

- 1. I am (one of) the transferee(s) named in the conveyance to which this affidavit applies.
- 2. (a) I have been lawfully admitted to Canada and am lawfully in Canada as an immigrant admitted under the *Immigration Act, 1976* (Canada) for permanent residence in Canada;

delete this paragraph if inapplicable

or

- (b) I am lawfully in Canada for the purpose of engaging in and am authorized to engage in in Canada the following trade, profession, calling, occupation or employment: _____

delete this paragraph if inapplicable

(indicate nature of employment)

or

delete this
paragraph if
inapplicable

(c) I have been lawfully admitted to Canada pursuant to an employment visa

that is numbered _____, that expires on _____ 19____
and that has been issued to me under the *Immigration Act, 1976* (Canada) or
regulations made thereunder for the purposes of engaging in the following
trade, profession, calling, occupation or employment:

(indicate nature of employment)

for _____ months.

3. The land being conveyed to me is being acquired by me for the purpose of enabling me to establish thereon my principal residence in Canada, and will not be used as the residence of persons other than myself or members of my family or members of my usual domestic establishment.
4. I am not in Canada as a tourist or visitor or for the purpose of passing through Canada to another country, or as a student admitted to Canada under the provisions of the *Immigration Act, 1976* (Canada).

Sworn before me at the _____
in the _____
of _____
this _____
day of _____ 19____

A Commissioner, etc.

O. Reg. 110/75, Form 1.

Form 2

Land Transfer Tax Act

AFFIDAVIT

IN THE MATTER OF THE CONVEYANCE OF: _____

(insert brief description of land)

TO: _____

(insert names of all transferees)

I: _____

(print name)

OF: _____

(print address)

MAKE OATH AND SAY AS FOLLOWS:

- 1. I am (one of) the transferee(s) named in the conveyance to which this affidavit applies.
- 2. I am a Canadian citizen.
- 3. The land being conveyed to me is being acquired by me for the purpose of enabling me to establish thereon:

delete this paragraph if inapplicable

(a) a place of residence to be my principal residence;
or

delete this paragraph if inapplicable

(b) a place of recreation to be my principal recreational property,
upon my return to Canada to take up permanent residence in Canada.

Sworn before me at the _____
in the _____
of _____
this _____
day of _____ 19 _____

A Commissioner

O. Reg. 110/75, Form 2.

Form 3

Land Transfer Tax Act

AFFIDAVIT

IN THE MATTER OF THE CONVEYANCE OF: _____

(insert brief description of land)

TO: _____

(insert names of all transferees)

I: _____
(print name)

OF: _____
(print address)

MAKE OATH AND SAY AS FOLLOWS:

delete this paragraph if inapplicable

- 1. (a) I am (one of) the transferee(s) named in the conveyance to which this affidavit applies;
or

delete this
paragraph if
inapplicable

(b) I am the: _____,
(insert description of corporate office)

of: _____,
(insert name of corporate transferee)

(one of) the corporate transferee(s) named in the conveyance to which this affidavit applies and as such have personal knowledge of the matters deposed to in this affidavit.

2. The transferee, on and after the 9th day of April, 1974, has continuously occupied premises in Canada where the transferee carried on an active commercial or industrial business that is not principally:

- (a) the rental of land or premises for possession or occupancy for a period of one month or more;
- (b) the acquisition of land;
- (c) the sale of land owned by the transferee;
- (d) the holding of land; or
- (e) the development of land.

3. The nature of the business carried on by the transferee is: _____

4. The principal location in Canada of the business carried on by the transferee is: _____

5. The land being conveyed to the transferee is being acquired for the purpose of:

delete this
paragraph if
inapplicable

- (a) enabling the transferee to acquire the freehold of only the leased premises on which the business is being carried on and not of other premises;

or

delete this
paragraph if
inapplicable

- (b) expanding the operations of the business where the expansion is not prevented by any zoning restrictions affecting the land conveyed;

or

delete this
paragraph if
inapplicable

- (c) relocating the operations of the business where the relocation is not prevented by any zoning restrictions affecting the land conveyed.

Sworn before me at the _____

in the _____

of _____

this _____

day of _____ 19____

A Commissioner, etc.

Form 4
Land Transfer Tax Act
AFFIDAVIT

IN THE MATTER OF THE CONVEYANCE OF: _____

(insert brief description of land)

TO: _____

(insert names of all transferees)

I: _____
(print name)

OF: _____
(print address)

MAKE OATH AND SAY AS FOLLOWS:

delete this
paragraph if
inapplicable

1. (a) I am (one of) the transferee(s) named in the conveyance to which this affidavit applies;
or

delete this
paragraph if
inapplicable

(b) I am the: _____,
(insert description of corporate office)
of: _____,
(insert name of corporate transferee)

(one of) the corporate transferee(s) named in the conveyance to which this affidavit applies and as such have personal knowledge of the matters deposed to in this affidavit.

2. The land being conveyed to the transferee is being acquired by the transferee as part of the normal business practice of the transferee and for the principal purpose of:

delete this
paragraph if
inapplicable

(a) selling the land to an employee of the transferee or to the employee and his spouse as the residence of the employee and members of his' family or members of his usual domestic establishment;

delete this
paragraph if
inapplicable

or
(b) making the land available for the exclusive use of the employees of the transferee and members of their families or members of their usual domestic establishments as a place of residence.

Sworn before me at the _____
in the _____
of _____
this _____
day of _____ 19____

A Commissioner, etc.

Form 5*Land Transfer Tax Act*

AFFIDAVIT

IN THE MATTER OF THE CONVEYANCE OF: _____

(insert brief description of land)

TO: _____

(insert names of all transferees)

I: _____

(print name)

OF: _____

(print address)

MAKE OATH AND SAY AS FOLLOWS:

delete this
paragraph if
inapplicable

1. (a) I am (one of) the transferee(s) named in the conveyance to which this affidavit applies;

or

delete this
paragraph if
inapplicable

- (b) I am the: _____,
-
- (insert description of corporate office)

of: _____,
(insert name of corporate transferee)

(one of) the corporate transferee(s) named in the conveyance to which this affidavit applies and as such have personal knowledge of the matters deposed to in this affidavit.

2. The land being conveyed to the transferee is being acquired by the transferee:

delete this
paragraph if
inapplicable

- (a) as the result of a final order of foreclosure under a mortgage or charge affecting the land;

or

delete this
paragraph if
inapplicable

- (b) for the sole purpose of satisfying the obligations of the transferor to the transferee under a mortgage or charge affecting the land and the manner in which such conveyance of land is being effected is: _____

(indicate type of conveyance being made)

or

delete this
paragraph if
inapplicable

- (c) only for the purpose of safeguarding or giving effect to rights or interests of the transferee as mortgagee or chargee in respect of an outstanding loan, now in default, which was owed by the transferor, mortgagor or chargor to the transferee.

3. The transferee is dealing in all respects with the transferor, mortgagor or chargor as though the parties were strangers.
4. The conveyance was not arranged with the intention of defeating the incidence of tax imposed by the *Land Transfer Tax Act*.

Sworn before me at the _____

in the _____

of _____

this _____

day of _____ 19____

A Commissioner, etc.

O. Reg. 110/75, Form 5.

REGULATION 556

under the Land Transfer Tax Act

COMMERCIAL RECREATIONAL PROPERTY

1. The Minister or a collector is authorized to exempt from that part of the tax payable under subsection 2 (2) of the Act that exceeds the amount of tax that would result if the rates under subsection (1) of that section were applied any person tendering for registration a conveyance of recreational land to a non-resident person where, in the affidavit attached to the conveyance under subsection 4 (1) of the Act, or in a separate affidavit when required to be attached to the conveyance, a transferor making the conveyance declares that the land being conveyed,

- (a) does not comprise more than fifty acres in area;
- (b) has been used by the transferor or his spouse predominantly in the business of operating a commercial tourist resort, tourist lodge or tourist camp; and
- (c) comprises the buildings, docks or other facilities for the carrying on of such business, and only such other land as is either used in and reasonably necessary

for the operation of such business or used for the residence of the transferor. O. Reg. 916/77, s. 1.

2. Where a conveyance to a non-resident person of more than fifty acres of recreational land that is land described in clauses 1 (b) and (c) of this Regulation is to be tendered for registration, the Minister is authorized to exempt from that part of the tax payable under subsection 2 (2) of the Act that exceeds the amount of tax that would result if the rates under subsection (1) of that section were applied any person tendering such conveyance for registration, if the Minister is satisfied that such land meets the conditions set out in clauses 1 (b) and (c). O. Reg. 916/77, s. 2.

3. Where, after the 19th day of April, 1977, recreational land described in clauses 1 (b) and (c) of this Regulation has been conveyed to a non-resident person and tax under subsection 2 (2) of the Act has been paid on the registration of such conveyance, the Minister, when satisfied that such land is entitled to the exemption from tax authorized by section 1 or 2, may exempt the person tendering such conveyance for registration from the tax authorized to be exempted by section 1 or 2, and shall refund the tax exempted pursuant to this section. O. Reg. 916/77, s. 3.

REGULATION 557

under the Land Transfer Tax Act

CONSOLIDATED AFFIDAVIT OF RESIDENCE
AND VALUE OF CONSIDERATION

at or before the time when the conveyance to which the form is required to be attached is tendered for registration. O. Reg. 55/79, s. 5.

1. The affidavit required by subsection 4 (1) or (3) of the Act shall be in Form 1. O. Reg. 55/79, s. 4, *revised*.

3. At the time that any conveyance to which Form 1 is attached is tendered for registration, there shall also be provided to the collector to whom such conveyance is tendered for registration one fully executed and completed duplicate copy of such form, and such duplicate copy shall not be attached to any conveyance tendered for registration. O. Reg. 55/79, s. 6.

2. That part of Form 1 that is entitled "Property Information Record" shall be completed by or on behalf of the person making the affidavit contained in Form 1

Form 1

Land Transfer Tax Act

AFFIDAVIT OF RESIDENCE AND OF VALUE OF THE CONSIDERATION

IN THE MATTER OF THE CONVEYANCE OF (insert brief description of land).....

.....

.....

BY (print names of all transferors in full).....

.....

TO [see instruction 1 and print names of all transferees in full].....

.....

I, [see instruction 2 and print name(s) in full].....

MAKE OATH AND SAY THAT:

1. I am (place a clear mark within the square opposite that one of the following paragraphs that describes the capacity of the deponent(s): (see instruction 2)

☐ (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;

☐ (b) A trustee named in the above-described conveyance to whom the land is being conveyed;

☐ (c) A transferee named in the above-described conveyance;

☐ (d) The authorized agent or solicitor acting in this transaction for (insert name(s) of principal(s)) described in paragraph(s) (a), (b), (c) above; (strike out references to inapplicable paragraphs)

☐ (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for (insert name(s) of corporation(s)) described in paragraph(s) (a), (b), (c) above. (Strike out references to inapplicable paragraphs)

☐ (f) A transferee described in paragraph () (insert only one of paragraph (a), (b) or (c) above, as applicable) and am making this affidavit on my own behalf and on behalf of (insert name of spouse) who is my spouse described in paragraph (). (insert only one of paragraph (a), (b) or (c) above, as applicable)

and as such, I have personal knowledge of the facts herein deposed to.

- 2. I have read and considered the definitions of "non-resident corporation" and "non-resident person" set out respectively in clauses 1 (1) (f) and (g) of the Act. (see instruction 3)
- 3. The following persons to whom or in trust for whom the land conveyed in the above-described conveyance is being conveyed are non-resident persons within the meaning of the Act. (see instruction 4)

.....
.....
.....

4. THE TOTAL CONSIDERATION FOR THIS TRANSACTION IS ALLOCATED AS FOLLOWS:

- (a) Monies paid or to be paid in cash..... \$.....
- (b) Mortgages (i) Assumed (show principal and interest to be credited against purchase price)..... \$.....
(ii) Given back to vendor..... \$.....
- (c) Property transferred in exchange (detail below)... \$.....
- (d) Securities transferred to the value of (detail below) \$.....
- (e) Liens, legacies, annuities and maintenance charges to which transfer is subject..... \$.....
- (f) Other valuable consideration subject to land transfer tax (detail below)..... \$.....
- (g) VALUE OF LAND, BUILDING, FIXTURES AND GOODWILL SUBJECT TO LAND TRANSFER TAX (total of (a) to (f))..... \$..... \$.....
- (h) VALUE OF ALL CHATTELS—items of tangible personal property (Retail Sales Tax is payable on the value of all chattels unless exempt under the provisions of the *Retail Sales Tax Act*, R.S.O. 1980, c. 454 as amended) \$.....
- (i) Other consideration for transaction not included in (g) or (h) above..... \$.....
- (j) TOTAL CONSIDERATION..... \$.....

All blanks
must be
filled in.
Insert
"NIL"
where
applicable

- 5. If consideration is nominal, describe relationship between transferor and transferee and state purpose of conveyance. (see instruction 5).....
.....

6. Other remarks and explanations, if necessary.....

SWORN before me at the

in the

this day of

A Commissioner for taking Affidavits, etc.

(signature(s))

PROPERTY INFORMATION RECORD

A. Describe nature of instrument.....

B. (i) Address of property being conveyed (if available).....

(ii) Assessment Roll # (if available).....

C. Mailing address(es) for future Notices of Assessment under the *Assessment Act* for property being conveyed (see instruction 6).

D. (i) Registration number for last conveyance of property being conveyed (if available).....

(ii) Legal description of property conveyed: Same as in D.(i) above.

Yes

☐

No

1

Not Known

7

E. Name(s) and address(es) of each transferee's solicitor.....

For Land Registry Office use only

REGISTRATION NO.

Land Registry Office No.

Registration Date

REGULATION 558

under the Land Transfer Tax Act

DELEGATION OF AUTHORITY

1.—(1) The Deputy Minister of Revenue and the officer of the Ministry of Revenue holding the position of Assistant Deputy Minister, Tax Revenue may exercise any power and perform any duty conferred or imposed on the Minister by this Act.

(2) The officers in the Ministry of Revenue holding the positions of Director of the Motor Fuels and Tobacco Tax Branch and Manager, Land Taxes Program in the Motor Fuels and Tobacco Tax Branch may exercise any power or perform any duty conferred or imposed on the Minister under the following provisions of the Act:

- (a) subclauses 1 (1) (f) (i) and (ii);
- (b) subsections 2 (5) and (6);
- (c) section 3;
- (d) subsections 4 (5) and (6);
- (e) subsection 5 (1);
- (f) subsections 7 (1), (2) and (3);
- (g) clauses 8 (1) (a), (b) and (c) and subsections 8 (2) and (3);
- (h) clause 13 (1) (b);
- (i) subsection 14 (1);
- (j) subsection 16 (5); and
- (k) section 17.

(3) The officers in the Land Taxes Program of the Motor Fuels and Tobacco Tax Branch of the Ministry of Revenue holding the positions of Senior Financial Analyst, Land Taxes Auditor and Financial Analyst may exercise any power or perform any duty conferred or imposed upon the Minister under the following provisions of the Act:

- (a) subsections 2 (5) and (6);
- (b) subsections 4 (5) and (6); and
- (c) section 17.

(4) The officers in the Land Taxes Program of the Motor Fuels and Tobacco Tax Branch of the Ministry of Revenue holding the positions of Tax Specialist and of Chief Officer, Assessment and Audit, may exercise any power or perform any duty conferred or imposed on the Minister under the following provisions of the Act:

- (a) subsections 2 (5) and (6);
- (b) subsections 4 (5) and (6);
- (c) clauses 8 (1) (a), (b) and (c), and subsections 8 (2) and (3); and
- (d) section 17.

(5) The officer in the Ministry of Revenue holding the position of Director of the Special Investigations Branch may exercise any power or perform any duty conferred or imposed on the Minister under subsection 8 (1) of the Act.

(6) The officer in the Ministry of Revenue holding the position of Director of the Tax Appeals Branch may exercise any power or perform any duty conferred or imposed on the Minister under subsection 12 (10) of the Act.

(7) The officer in the Ministry of Revenue holding the position of Director of the Legal Services Branch may exercise any power or perform any duty conferred or imposed upon the Minister under the following provisions of the Act:

- (a) subsection 2 (5);
- (b) subsection 4 (2);
- (c) subsection 5 (2);
- (d) subsection 8 (2); and
- (e) section 17. O. Reg. 818/80, s. 1.

2. The power or duty conferred or imposed on the Minister under subsection 16 (1) of the Act with respect to the registration of the lien and charge therein referred to, and with respect to the discharge of the said lien and charge or the postponement, release or waiver thereof, may be exercised or performed by the officer of the Ministry of Revenue holding the position of Director of the Legal Services Branch. O. Reg. 818/80, s. 2.

REGULATION 559

under the Land Transfer Tax Act

EXEMPTION FOR CERTAIN FINAL ORDERS OF FORECLOSURE AND FOR INTER-CORPORATE TRANSFERS OF LAND

1.—(1) It is determined that the Act was not intended to apply to a final order of foreclosure under any mortgage or charge affecting land where the final order of foreclosure is made in an action commenced prior to the 10th day of April, 1974, and any person tendering for registration a final order of foreclosure made in an action so commenced is exempt from the tax imposed by the Act.

(2) It is determined that the Act was not intended to apply to a conveyance of land from a corporation to its shareholders for the purpose of winding up or dissolving the corporation that is the transferor named in such conveyance, and any person tendering for registration such a conveyance is exempt from the tax imposed by the Act.

O. Reg. 504/74, s. 1.

REGULATION 560

under the Land Transfer Tax Act

EXEMPTION FOR CERTAIN EASEMENTS GRANTED TO OIL OR GAS PIPE LINES

1. In this Regulation, "pipe line company" means a corporation whose principal business is the construction or operation of pipe lines for the transportation of oil, gas or other liquid and gaseous hydrocarbons and products thereof. O. Reg. 749/74, s. 1.

2. It is determined that any conveyance to or in trust for a pipe line company that conveys only an easement or right of way in, over, under or upon land, or that conveys only the right to acquire such an easement or right of way, and that is made for the purpose of enabling the pipe line company to construct and operate on the land described in the conveyance a pipe line for the transportation of oil, gas or other liquid and gaseous hydrocarbons and products thereof is a class of conveyance to which the Act was not intended to apply, and every person tendering for registration any such conveyance is exempt from the tax imposed by the Act on the tender thereof for registration. O. Reg. 749/74, s. 2.

REGULATION 561

under the Land Transfer Tax Act

EXEMPTION FOR CERTAIN INSURANCE COMPANIES

1. Subject to sections 2 and 3, the Minister or any collector is authorized to exempt from that part of the tax payable under subsection 2 (2) of the Act that exceeds the amount of tax that would result if the rates under subsection 2 (1) of the Act were applied any person tendering for registration a conveyance to a non-resident person that is,

- (a) an insurance company licensed to carry on business in Ontario under *The Insurance Act* and registered to carry on business in Canada under either the *Canadian and British Insurance Companies Act* (Canada) or the *Foreign Insurance Companies Act* (Canada);
- (b) a corporation all of the issued share capital of which, except directors' qualifying shares, is beneficially owned by a life insurance company that is a non-resident person described in clause (a); or
- (c) a non-resident person solely because of the membership of a company described in clause (a) or (b) in an association of persons, partnership or syndicate that is the transferee to whom a conveyance is made or solely because of the ownership of shares by a company described in clause (a) or (b) of a corporation that is the transferee to whom a conveyance is made. O. Reg. 773/74, s. 1.

2. The exemption authorized by section 1 shall be given only when a certification is made certifying that the transferee named in the conveyance meets one of the following conditions:

- (a) where the transferee is an insurance company or a trustee thereof, other than an insurance company incorporated by Canada or a province of Canada, the transferee must certify that,
 - (i) in the case of a company that has made the election provided for in subsection 138 (9) of the *Income Tax Act* (Canada), all of its gross investment revenue from the land to which the conveyance relates will be included in computing the income of the company under that Act, or
 - (ii) in the case of a company that has not made the election provided for in subsection 138 (9) of the *Income Tax Act*

(Canada), the land to which the conveyance relates will be vested in trust under the provisions of the *Canadian and British Insurance Companies Act* (Canada) or the *Foreign Insurance Companies Act* (Canada);

- (b) where the transferee is an insurance company incorporated by Canada or a province of Canada, the transferee must certify that the land to which the conveyance relates will not form part of the company's "assets out of Canada" required to be reported by it under the *Canadian and British Insurance Companies Act* (Canada) in its annual statement to the Superintendent of Insurance (Canada);
- (c) where the transferee is a corporation all of the issued share capital of which, except directors' qualifying shares, is beneficially owned by a life insurance company that is a non-resident person described in clause 1 (a), the life insurance company by which the shares of the transferee corporation are beneficially owned must certify that the land to which the conveyance relates will be treated by the transferee as an investment made and held for the benefit of the business carried on in Canada by the life insurance company; or
- (d) where the transferee is an association of persons, a partnership, syndicate or a corporation that is a non-resident person solely because of the membership in such association, partnership or syndicate, or solely because of the ownership of shares in such corporation, of or by one or more of the companies described in clause 1 (a) or (b), any such described company must certify that it has made reasonable inquiry and that to the best of its knowledge and belief the transferee would not, but for the membership or ownership of shares of one or more of the companies described in clause 1 (a) or (b), be a non-resident person within the meaning of the Act. O. Reg. 773/74, s. 2.

3. A certification required by section 2 shall be made in writing by an authorized officer of the company making the certification, and the certification shall be attached to the conveyance to which it relates and filed with the Minister, or with the collector to whom the conveyance is tendered for registration, as the case may be. O. Reg. 773/74, s. 3.

REGULATION 562

under the Land Transfer Tax Act

EXEMPTION FOR CERTAIN INTER-SPOUSAL TRANSFERS

1. It is determined that the Act was not intended to apply on the tender for registration of any conveyance where the transferor is the spouse or former spouse of the transferee and where sufficient information is provided to enable the Minister or any collector to whom the conveyance is tendered for registration to determine that one of the following conditions is satisfied:

- (a) the only consideration given for the conveyance apart from natural love and affection is the assumption of any encumbrance registered on the land described in the conveyance;
- (b) the conveyance is in compliance with the terms of a written agreement pursuant to which the parties have agreed to live separate and apart; or
- (c) the conveyance is in compliance with the direction of an order or judgment made by a court of competent jurisdiction. O. Reg. 138/75, s. 1.

REGULATION 563

under the Land Transfer Tax Act

EXEMPTION—CONVEYANCE TO FAMILY FARM CORPORATION OR FAMILY BUSINESS CORPORATION

1.—(1) In this Regulation,

- (a) “active business” carried on by any person means those businesses described in the definition of “active business” in section 125 of the *Income Tax Act* (Canada) but does not include farming or the leasing of real property;
- (b) “child” means child as defined in clause (1) (a) of the *Family Law Reform Act*;
- (c) “family business corporation” means a corporation in which, at the date of registration of any conveyance with respect to which the expression is being applied, all of the issued shares except for directors’ qualifying shares are owned by a person or persons, each of whom is not a non-resident person and each of whom is a member of the family of each transferor of the land being conveyed, and where any of such persons is a corporation the provisions of clauses 3 (1) (c) and (d) are applicable to such corporation;
- (d) “family farm corporation” means a corporation in which, at the date of registration of any conveyance with respect to which the expression is being applied,
 - (i) all of the issued shares except for directors’ qualifying shares are owned by a person or persons, each of whom is not a non-resident person and each of whom is a member of the family of each transferor of the land being conveyed, and where any of such persons is a corporation, 95 per cent of the value of the assets of such corporation are farming assets, and
 - (ii) 95 per cent of the value of the assets are farming assets;
- (e) “farming” includes tillage of the soil, the breeding, raising or grazing of live stock of all kinds, the raising of poultry and the production of poultry products, fur farming, dairy farming, fruit growing, the growing of food for human consumption or for the feeding of live stock and the keeping of bees, but does not include the leasing out of land where the lessor is not entitled to share in the crops, live stock or other commodities raised or produced on the land or the proceeds of the sale of such crops, live stock or other commodities so raised or produced;
- (f) “farming assets” of a family farm corporation means,
 - (i) land, buildings, equipment, machinery and live stock that are used chiefly in farming by the corporation,
 - (ii) any right or licence granted or issued under any Act of the Legislature that permits or regulates the production or sale of any commodity or thing produced, raised or grown through farming,
 - (iii) the building in which a shareholder or member or members of his family reside who are engaged in farming if that building is on land that is used or is contiguous to land used by that shareholder or member or members of his family in farming,
 - (iv) shares in another family farm corporation, and
 - (v) trade accounts receivable, supplies and inventory of commodities or things produced, raised or grown through farming;
- (g) “issued shares” of a corporation includes unissued shares, the issuing of which has been authorized by a properly passed resolution of the corporation as consideration for the conveyance to it of land in respect of which exemption from tax is claimed under this Regulation;
- (h) “members of the family” means, with respect to any individual,
 - (i) that individual,
 - (ii) his spouse,
 - (iii) his child,
 - (iv) his father, mother, brother or sister or any spouse or descendant of such brother or sister;
 - (v) the brother or sister of his father or mother or any descendant of any such brother or sister,

(vi) the father, mother or any brother or sister of his spouse or any descendant of any such brother or sister,

(vii) his son-in-law or daughter-in-law,

(viii) his grandfather or grandmother,

(ix) his grandchild or great-grandchild or the spouse of any such grandchild or great-grandchild, or

(x) a corporation all of the issued shares of which except for directors' qualifying shares are owned by an individual or individuals, none of whom is a non-resident person and each of whom is related to the individual to whom the expression is being applied in the manner described in any of subclauses (i) to (ix);

(i) "spouse" means spouse as defined in subclause 14 (1) (b) of the *Family Law Reform Act*;

(j) "taxation year" of any corporation is its taxation year for the purpose of the *Corporations Tax Act*. O. Reg. 563/79, s. 1 (1); O. Reg. 116/80, s. 1.

(2) For the purposes of determining the percentage referred to in subclause (1) (d) (ii), the value of the interest in the land being conveyed shall be included as an asset of the corporation. O. Reg. 563/79, s. 1 (2).

2.—(1) It is determined that the Act was not intended to apply to a conveyance of land from an individual or individuals, each of whom is a member of the family of the other to a corporation which is, at the time of registration of such conveyance, a family farm corporation provided that,

(a) prior to such conveyance the land was used predominantly in farming which was carried on exclusively by an individual or individuals, each of whom is not a non-resident person and each of whom is a member of the family of each transferor of the land being conveyed; and

(b) the land is being conveyed for the principal purpose of enabling the transferee to continue the farming on such land under the direction of a person or persons, each of whom is a member of the family of each transferor of the land being conveyed.

(2) Where the exemption authorized by this section is claimed, there shall be filed with the Minister or the collector and attached to the conveyance being tendered

for registration, an affidavit made by an officer of the transferee in such form as the Minister shall require. O. Reg. 563/79, s. 2.

3.—(1) Subject to subsections (2) and (3), it is determined that the Act was not intended to apply to a conveyance of land from an individual or individuals, each of whom is a member of the family of the other to a family business corporation provided that,

(a) prior to such conveyance the land was used predominantly in the operation of an active business which was operated exclusively by an individual or individuals, each of whom is not a non-resident person and each of whom is a member of the family of each transferor of the land being conveyed;

(b) the land is being conveyed for the principal purpose of enabling the transferee to continue the operation of such business on the land under the direction of a person or persons, each of whom is a member of the family of each transferor of the land being conveyed;

(c) for its taxation year ending next following the date of registration of any conveyance with respect to which the expression is being applied, qualifies for a deduction under subsection 125 (1) of the *Income Tax Act* (Canada) notwithstanding that no deduction is allowed under that subsection by reason only that the amount determined under paragraph 125 (1) (a) or (b) of that Act is nil for such taxation year; and

(d) for its taxation year ending next following the date of registration of any conveyance with respect to which the expression is being applied, derives at least 75 per cent of its gross income from an active business carried on in Canada. O. Reg. 563/79, s. 3 (1); O. Reg. 116/80, s. 2.

(2) A conveyance to which subsection (1) may be applicable may be registered without the payment of tax provided that,

(a) security for the tax in a form satisfactory to the Minister is furnished; and

(b) an affidavit made by an officer of the transferee described in the conveyance is furnished to the Minister setting forth those requirements referred to in subsection (1) that have been complied with.

(3) Where, after the expiration of its taxation year ending next following the registration of a conveyance described in subsection (1), the transferee of the conveyance claims that it is a conveyance to which subsection (1) applies and in respect of which no tax is

payable, there shall be furnished to the Minister an affidavit made by an officer of the transferee in such form as the Minister shall require.

(4) Subject to subsection (5), where tax has been paid or security has been furnished with respect to the registration of a conveyance to which the Minister is satisfied that subsection (1) applies, such tax or security shall be returned by the Minister to the person who paid such tax or furnished such security.

(5) Where, as a result of information furnished to the Minister under the *Corporations Tax Act* or furnished to him by the transferee or by any other person, the Minister is satisfied that the transferee has not satisfied the requirements of clauses (1) (c) and (d), the Minister may enforce any security furnished to him pursuant to subsection (2) for the payment of the tax and such interest thereon as is owing. O. Reg. 563/79, s. 3 (2-5).

REGULATION 564

under the Land Transfer Tax Act

CONVEYANCE TO NON-RESIDENT PERSONS AND PERSONS WHO ARE NOT NON-RESIDENT PERSONS

1. Where a conveyance has been tendered for registration that conveys land both to non-resident persons and to persons who are not non-resident persons and where the conveyance is not made to such persons as joint tenants, a collector may, where he is satisfied that the interest in the land being conveyed to persons who are not non-resident persons can be readily distinguished from the interest in the land being conveyed to non-resident persons, exempt the persons who are not non-resident persons from that portion of the tax imposed under the Act in respect to the conveyance, equal to the difference between,

- (a) the amount that would result from the application of the rates of tax in subsection 2 (1) of the Act to the value of the consideration attributable in the opinion of the collector to the interest in the land conveyed to persons who are not non-resident persons; and
- (b) the amount that would result from the application of the rates of tax in subsection 2 (2) to the value of the consideration attributable in the opinion of the collector to the interest in the land conveyed to persons who are not non-resident persons. O. Reg. 170/76, s. 1.

REGULATION 565

under the Land Transfer Tax Act

FINAL ORDERS OF FORECLOSURE

1. In determining the value of the consideration in the case of a final order of foreclosure under any mortgage or charge affecting land, there shall be included, in addition to any amount or value described in subclauses 1 (1) (p) (i) and (ii) of the Act, the value of any mortgage or charge that is subsequent in priority to the mortgage or charge in respect of which the final order of foreclosure is made and that is held by the mortgagee or chargee in whose favour the final order of foreclosure that is registered is made, but no amount shall be included in the value of the consideration by virtue of this Regulation to the extent that such inclusion increases the value of the consideration to an amount greater than the fair market value of the land subject to the mortgage or charge the final order of foreclosure of which is registered. O. Reg. 428/78, s. 1; O. Reg. 420/79, s. 1.

REGULATION 566

under the Land Transfer Tax Act

FORMS

1. A notice of objection under subsection 11 (1) of the Act shall be in Form 1. O. Reg. 564/79, s. 1.
2. A notice of appeal under subsection 12 (1) of the Act shall be in Form 2. O. Reg. 564/79, s. 2.
3. A notice of first lien and charge under subsection 16 (1) of the Act shall be in Form 3.

O. Reg. 564/79, s. 3.
4. The affidavit referred to in subsection 2 (2) of Regulation 563 of Revised Regulations of Ontario, 1980 shall be in Form 4. O. Reg. 564/79, s. 4.
5. The affidavit referred to in subsection 3 (3) of Regulation 563 of Revised Regulations of Ontario, 1980 shall be in Form 5. O. Reg. 564/79, s. 3.
6. When a conveyance to which Form 4 is attached is tendered for registration, there shall also be provided to the collector to whom such conveyance is tendered for registration one fully executed and completed duplicate copy of such form, and such duplicate copy shall not be attached to any conveyance tendered for registration.

O. Reg. 564/79, s. 6.

Form 1

Land Transfer Tax Act

NOTICE OF OBJECTION

INSTRUCTIONS:
To be prepared in TRIPLICATE, ONE copy to be retained and TWO copies to be sent by REGISTERED MAIL addressed to the Minister of Revenue c/o the Director, Tax Appeals, Ministry of Revenue, Queen's Park, Toronto, Ontario M7A 1X8. The envelope containing this NOTICE must be postmarked within sixty days for Retail Sales Tax and ninety days for the other taxes after the day of mailing or delivery by personal service of the NOTICE of ASSESSMENT or STATEMENT of DISALLOWANCE of REBATE/REFUND CLAIM to which objection is being made.
A separate notice of OBJECTION must be filed for each NOTICE of ASSESSMENT or each STATEMENT of DISALLOWANCE of REBATE/REFUND CLAIM in dispute but, if convenient, facts and reasons may be consolidated.

Name of Taxpayer (CORPORATION, PURCHASER, REGISTRANT, VENDOR)	TELEPHONE NO.
---	---------------

STREET AND NUMBER

Mailing Address CITY / TOWN	PROVINCE	POSTAL CODE
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NOTICE OF OBJECTION is hereby given to the:

<input type="checkbox"/> Assessment No.	Date of Assessment			Amount of Tax \$	for Period ending		
	YEAR	MONTH	DAY		YEAR	MONTH	DAY
<input type="checkbox"/> OR <input type="checkbox"/> Statement of Disallowance	Statement Date			Rebate/Refund Amount			
of Rebate/Refund Claim No.			YEAR	MONTH	DAY	\$	

under the following act (check one only)

<input type="checkbox"/> CORPORATIONS TAX ACT	Account No.	<div></div>	◀ Please Indicate
<input type="checkbox"/> GASOLINE TAX ACT,			
<input type="checkbox"/> MOTOR VEHICLE FUEL TAX ACT			
<input type="checkbox"/> RETAIL SALES TAX ACT	Permit No.	<div></div>	◀ Please indicate
<input type="checkbox"/> TOBACCO TAX ACT			
<input type="checkbox"/> LAND TRANSFER TAX ACT,			

in respect of

<input type="checkbox"/>	Assessment No.	Date of Assessment YEAR | MONTH | DAY	Amount of Tax \$	for Period ending YEAR | MONTH | DAY
OR <input type="checkbox"/>	Statement of Disallowance of Rebate/Refund Claim No. _____	Statement Date YEAR | MONTH | DAY	Rebate/Refund Amount \$	

STATEMENT OF REASONS FOR APPEAL
(Set out relevant facts and law to be relied on in support of the appeal.)

INSTRUCTIONS:
To be prepared in quadruplicate, ONE copy to be retained, TWO copies to be sent by registered mail addressed to the Minister of Revenue, c/o the Director, Tax Appeals, Ministry of Revenue, Queen's Park, Toronto, Ontario, M7A 1X8 and ONE copy to be filed with the Supreme Court of Ontario in accordance with the statute under which the appeal is taken. The copies addressed to the Minister must be postmarked within 90 days after the day of mailing of the notification that the Minister has confirmed the assessment or reassessed. The copy for the Supreme Court must be filed with the court within the same 90 day period. The Notice of Appeal must be signed by the Appellant or someone authorized to represent the Appellant in the appeal proceedings.

O. Reg. 872/79, s. 2.

Form 3
Land Transfer Tax Act

NOTICE OF FIRST LIEN AND CHARGE

IN THE MATTER OF THE CONVEYANCE made

(identify the parties to the conveyance)

by:

to:

on the day of, 19.....

TAKE NOTICE THAT, under subsection 16 (1) of the *Land Transfer Tax Act*, Her Majesty in right of Ontario as represented by the Minister of Revenue claims against the hereinafter described lands a first lien and charge for the tax deferred or remitted under the said subsection (1) in respect of the registration of the above-described conveyance.

(insert legal description of land and include parcel no. and section no. where applicable)

O. Reg. 564/79, Form 3.

Form 4
Land Transfer Tax Act

AFFIDAVIT RE CONVEYANCE TO FAMILY FARM CORPORATION

IN THE MATTER OF THE CONVEYANCE OF

.....

(insert brief description of land)

by:

.....
(insert names of all transferors)

to:
(insert names of all transferees)

I,
(print name)

of
(print address)

MAKE OATH AND SAY THAT:

1. I am the of
(describe office) (insert name of transferee corporation)
the transferee corporation of the above-described conveyance whose head office is located at
.....
(insert address of corporation's head office)

and I have personal knowledge of the facts hereinafter deposed to.

2. Prior to the above-described conveyance,
.....
(insert names of appropriate individuals)
carried on farming on the land being conveyed during the period(s)
.....
(set out time period(s) during which land was farmed prior to the conveyance)

3. The above-described conveyance is being made for the principal purpose of enabling the transferee corporation to continue farming on the land being conveyed under the direction of
.....
(insert names of appropriate persons)

4. Each transferor, each shareholder of the transferee corporation (excluding holders of directors' qualifying shares) and each person named in this affidavit is, within the meaning of clause 1 (1) (h) of Regulation 563 of Revised Regulations of Ontario, 1980, a member of the family of every other transferor, shareholder or person so named.

5. No person named in paragraph 2 or 3 of this affidavit and no shareholder of the transferee corporation (excluding holders of directors' qualifying shares) is a non-resident person within the meaning given to that expression in clause 1 (1) (g) of the *Land Transfer Tax Act*.

6. I have read and considered the definitions of "family farm corporation", "farming" and "farming assets" set out respectively in clauses 1 (1) (d), (e) and (f) of Regulation 563 of Revised Regulations of Ontario, 1980. The transferee corporation in respect of whom this affidavit is made is a "family farm corporation" within the meaning given to that expression in the aforementioned Regulation.

SWORN BEFORE ME at the

in the

of this

day of

....., 19.....

.....
A Commissioner, etc.

Form 5

Land Transfer Tax Act

AFFIDAVIT RE CONVEYANCE TO FAMILY BUSINESS CORPORATION

IN THE MATTER OF THE CONVEYANCE OF

(insert brief description of land)

by:

(insert names of all transferors)

to:

(insert names of all transferees)

I,

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(print name)
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of

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(print address)
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MAKE OATH AND SAY THAT:

1. I am the of
(describe office) (insert name of transferee corporation)

the transferee corporation of the above-described conveyance whose head office is located at

(insert address of corporation's head office)

and I have personal knowledge of the facts hereinafter deposed to.

2. The above-described conveyance was registered on the day of, 19.. as Instrument Number in the Land Registry Office situate at, (insert name of City, Town) Ontario.

3. Since the date of registration of such conveyance, an active business, namely,

(describe nature of business)

has been carried on on the land described in the conveyance under the direction of the following persons:

(insert names of appropriate persons)

4. As of the date of this affidavit the shareholders of the transferee corporation are

(insert names of all shareholders)

5. To the best of my knowledge and belief clauses 3 (1) (c) and (d) of Regulation 563 of Revised Regulations of Ontario, 1980 are applicable to the transferee corporation in respect of its taxation year ended the day of, 19.... and the said corporation is entitled to the exemption provided in section 3 of that Regulation.

SWORN BEFORE ME at the
in the
of this
day of , 19... }

.....
A Commissioner, etc.

REGULATION 567

under the Land Transfer Tax Act

LEASES

1. Where an instrument containing an extension or notice of extension of the rights under a lease or sublease is registered at a time when the term of such lease or sublease including any renewals or extensions, but without regard to the extension to be registered, exceeds fifty years, the value of the consideration in respect to such extension shall be reduced,

(a) where no consideration is given for the acquisition of such extension to zero; or

(b) where consideration is given for the acquisition of such extension, to the amount of the consideration so given. O. Reg. 918/77, s. 1.

2. Where, at the time of registration of an instrument containing a surrender or notice of a surrender of the rights of a lessee under a lease or sublease to the person entitled to the reversion of such lease or sublease, the term of such lease or sublease including any renewals or extensions, exceeds fifty years, the value of the consideration in respect to such surrender shall be reduced,

(a) where no consideration is given for the acquisition of such surrender, to zero; or

(b) where consideration is given for the acquisition of such surrender, to the amount of the consideration so given. O. Reg. 918/77, s. 2.

3. Where a transferee acquires the reversionary interest in land simultaneously with the acquisition of the right to receive rental payments under one or more leases or subleases of that land, the term of each of which including any renewals or extensions exceeds fifty years, the value of the consideration determined under the Act for all such conveyances taken together shall be reduced to the higher of,

(a) the fair market value of that land determined as of the date of registration of all such conveyances provided that all such conveyances are simultaneously tendered for registration; or

(b) the value of the consideration paid by the transferee for the acquisition of all such interests in that land. O. Reg. 918/77, s. 3.

REGULATION 568

under the Land Transfer Tax Act

MINISTER AUTHORIZED TO EXEMPT AND REFUND

1.—(1) Where tax has been paid or may be payable on the registration of a conveyance of land to a non-resident person, and that non-resident person satisfies the Minister that the land was or is to be acquired,

- (a) by a non-resident person who undertakes to the Minister to develop and resell the land for residential, commercial or industrial purposes within five years from the date of the grant of an exemption or refund under this Regulation with respect to the acquisition of the land;
- (b) by a non-resident person who is a Canadian citizen and who undertakes to the Minister to cease to be a non-resident person within five years from the date of the grant of an exemption or refund under this Regulation with respect to the acquisition of the land; or
- (c) by a non-resident person who is an individual other than a Canadian citizen and who undertakes to the Minister to cease to be a non-resident person within two years from the date of the grant of an exemption or refund under this Regulation with respect to the acquisition of the land,

the Minister is, subject to section 2, authorized to refund the tax paid or to exempt the non-

resident person from the payment of the tax on condition that security in a form and of a kind acceptable to the Minister is furnished to him for the performance of the undertakings given by the non-resident person. O. Reg. 250/76, s. 1 (1); O. Reg. 576/78, s. 1.

(2) An exemption or refund under subsection (1) may not exceed the amount by which the rate of tax imposed by subsection 2 (2) of the Act exceeds the rate of tax imposed by subsection 2 (1) of the Act, but may otherwise be for all or any part of such excess. O. Reg. 250/76, s. 1 (2).

2.—(1) Where the Minister is satisfied that a non-resident person has performed the conditions as undertaken by him pursuant to section 1, he shall return to the non-resident person the security furnished in respect of the exemption granted under that section, but, where the non-resident person fails to perform the conditions as undertaken, the exemption under section 1 shall no longer apply and the Minister may enforce the security furnished to recover the tax.

(2) Where the conditions upon which any tax has been refunded under section 1 are not fulfilled, the tax so refunded becomes due and payable. O. Reg. 250/76, s. 2.

3. The Minister may at such times as he considers advisable publish in THE ONTARIO GAZETTE the particulars of an exemption given under this Regulation. O. Reg. 250/76, s. 3.

REGULATION 569

under the Land Transfer Tax Act

NOTICE OF PURCHASER'S LIEN FOR DEFAULT

1. Where a person tenders for registration a notice of purchaser's lien to which is attached an affidavit in which the person claiming such lien deposes,

- (a) that default has occurred in the Agreement of Purchase and Sale mentioned in such notice;
- (b) that the purchaser does not intend to complete such Agreement for Purchase and Sale or to continue to acquire the land therein agreed to be sold;
- (c) that the purchaser has become entitled to the repayment of the money or other consideration paid by him on account of the purchase price; and
- (d) the amount or value for which such lien is claimed,

the value of the consideration may, notwithstanding subclause 1 (1) (p) (iv) of the Act, be declared and accepted as *nil* if the sole purpose of registration of such notice of purchaser's lien is the protection of the purchaser's rights under an Agreement of Purchase and Sale that he does not intend to complete and that he considers the vendor therein named has breached. O. Reg. 767/77, s. 1.

REGULATION 570

under the Land Transfer Tax Act

RATES OF INTEREST

1.—(1) Subject to subsection (4), where an amount in respect of a refund is made under subsection 4 (6) or section 7 of the Act, interest shall be paid or applied thereon for the period commencing on the day the over-payment arose and ending with the day of refunding at,

(a) 6 per cent per annum in respect of that portion of such period of calculation that is before the 1st day of August, 1980; and

(b) 12 per cent per annum in respect of that portion of such period that is after the 31st day of July, 1980.

(2) Subject to subsection (4), where an amount in respect of a refund is made under subsection 5 (1) of the Act, interest shall be paid or applied thereon for the period commencing on the day the tax was paid under protest and ending with the day of refunding at,

(a) 9 per cent per annum in respect of that portion of such period of calculation that is before the 1st day of August, 1980; and

(b) 12 per cent per annum in respect of that portion of such period that is after the 31st day of July, 1980.

(3) Subject to subsection (4), where pursuant to the filing of a notice of objection under section 11 of the Act or a notice of appeal under section 12 of the Act, it is determined that a refund in respect of the amount of tax assessed should be made, interest shall be paid or applied thereon for the period commencing on the day of payment of the tax assessed and ending with the day of refunding at,

(a) 9 per cent per annum in respect of that portion of such period of calculation that is before the 1st day of August, 1980; and

(b) 12 per cent per annum in respect of that portion of such period that is after the 31st day of July, 1980. O. Reg. 596/80, s. 1.

(4) In the event that the amount of interest to be paid under this section is less than one dollar, no interest shall be paid. O. Reg. 330/75, s. 1 (4).

2. The rate of interest payable under subsection 15 (1) of the Act is 12 per cent per annum. O. Reg. 820/80, s. 1.

REGULATION 571

under the Land Transfer Tax Act

TAXATION OF MINERAL LANDS

1. In this Regulation,

- (a) "minerals" includes gold, silver, ore, coal, gas, oil, salt, rare and precious metals and other like materials found in, upon or under the surface but does not include sand, gravel or stone;
- (b) "mineral rights" means the right to enter upon or use lands for the sole purpose of exploring, drilling for, winning, taking, removing or raising the minerals situate therein and includes such easements, rights of way or other similar rights of access as are incidental to winning, taking, removing or raising the minerals situate therein;
- (c) "surface rights" means every right in land other than the mineral rights;
- (d) "surface rights option" means any right to acquire the surface rights to land, the mineral rights to which have been acquired by the optionee either prior to the granting of the surface rights option or by the conveyance that itself contains the grant of the surface rights option. O. Reg. 66/80, s. 1.

2. It is determined that the Act was not intended to apply to the classes of conveyance described in paragraphs 1, 2 and 3, and any person tendering for registration any conveyance of a class described in paragraph 1, 2 or 3 is exempt from the tax imposed by the Act:

- 1. Any conveyance that conveys only the mineral rights to the land described in the conveyance for a consideration that is dependent wholly upon the quantity or value of the minerals that are won, taken, removed or raised.
- 2. Any conveyance that is a grant, sale, transfer or assignment of a surface rights option but not the exercise of a surface rights option.
- 3. Any conveyance that is a combination of the conveyances described in paragraphs 1 and 2. O. Reg. 66/80, s. 2.

3.—(1) The value of the consideration in respect of the following classes of conveyances shall be determined by the Minister prior to the registration of such conveyances and such conveyances shall not be tendered for registration unless a certification made under subsection 2 (5) of the Act is endorsed on the conveyance:

- 1. Any conveyance that is a conveyance of the mineral rights to the land described in the conveyance and is also,

- i. a lease of the surface rights to the said land with respect to which the mineral rights are granted,
- ii. a transfer of the interest of a lessee under a lease described in subparagraph i, or
- iii. a notice in writing signifying the existence of a lease described in subparagraph i or transfer of the interest of a lessee under such a lease,

if such lease at the time the conveyance is tendered for registration is for an unexpired term that, including any renewals or extensions of such term provided for in the lease, exceeds fifty years.

- 2. Any conveyance that reflects or gives effect to the exercise of a surface rights option.
- 3. Any conveyance that is a conveyance of the mineral rights to the land described in the conveyance but is neither a conveyance described in paragraph 1 nor a conveyance described in paragraph 1 of section 2.

(2) The value of the consideration in respect of any conveyance that is,

- (a) described in paragraph 1 of subsection (1), shall be the higher of the fair market value of the surface rights to which the lease extends or the consideration that, in the opinion of the Minister, is reasonably attributable to the surface rights;
- (b) described in paragraph 2 of subsection (1), shall be the higher of,
 - (i) the consideration paid by the person exercising the surface rights option to acquire it plus any consideration paid to exercise it, or
 - (ii) the consideration that, in the opinion of the Minister, is reasonably attributable to the acquisition of the surface rights to the land which is the subject-matter of the surface rights option; or

- (c) described in paragraph 3 of subsection (1), shall be the value of the whole or any part of the consideration paid for the conveyance that, in the opinion of the Minister, is reasonably attributable to a conveyance of the surface rights to the land that is the subject-matter of the conveyance. O. Reg. 66/80, s. 3.

REGULATION 572

under the Land Transfer Tax Act

TRANSFERS BETWEEN RELATED CORPORATIONS

1. The Minister or any collector is authorized to exempt from that part of the tax payable under subsection 2 (2) of the Act that exceeds the amount of tax that would result if the rates under subsection (1) of the said section were applied, any person tendering for registration a conveyance to a non-resident corporation where the conveyance to which the registration relates is between corporations which are related to each other as described in section 2. O. Reg. 625/76, s. 1.

2.—(1) For the purpose of this Regulation, a corporation or corporations which own the shares of another corporation or corporations in the following manner and a corporation or corporations whose shares are owned by another corporation or corporations in the following manner shall be considered to be related,

- (a) the corporation owning all of the issued shares, except the shares described in subsection (2), of the corporation or corporations described in clause (b);
- (b) any corporation or corporations all of the issued shares of which, except the shares described in subsection (2), are owned by the corporation described in clause (a);
- (c) any corporation or corporations all of the issued shares of which, except the shares described in subsection (2), are owned by the corporation or corporations all of the issued shares of which, except the shares described in subsection (2), are owned by the corporation described in clause (a); or

(d) any corporation or corporations all of the issued shares of which, except the shares described in subsection (2), are owned by one or more of the corporations that are related to each other in the manner described in clause (a), (b) or (c).

(2) For the purposes of clauses (1) (a) to (d), the shares referred to as being described in this subsection are,

- (a) directors qualifying shares;
- (b) shares owned only by an individual or individuals who are not non-resident persons within the meaning given to that expression by clause 1 (1) (g) of the Act; or
- (c) shares described in both clauses (a) and (b).
O. Reg. 625/76, s. 2.

3. Where the exemption authorized by this Regulation is claimed, there shall be furnished to the Minister or to a collector, as the case may be, an affidavit of an officer of the transferee describing,

- (a) the ownership of the shares of the transferee;
- (b) the manner in which the transferor is related to the transferee in accordance with clause 2 (1) (a), (b), (c) or (d); and
- (c) the ownership of any shares of the transferee that are shares described in subsection 2 (2).
O. Reg. 625/76, s. 3.

REGULATION 573

under the Law Society Act

GENERAL

ADMISSION OF MEMBERS

1.—(1) An applicant who is entitled to be called to the bar and admitted as a solicitor may be called and admitted on any Convocation day.

(2) No person shall be called to the bar as a barrister only or admitted as a solicitor only, but all applicants for admission to membership in the Society, other than student membership, shall qualify both for call to the bar as a barrister and admission as a solicitor and be called to the bar as a barrister and admitted as a solicitor on the same day. O. Reg. 160/73, s. 1, *part*.

ADMISSION THROUGH THE BAR ADMISSION COURSE

2. An applicant who has fulfilled the requirements of the Act and who presents a certificate of successful completion of the Bar Admission Course may be called to the bar and admitted as a solicitor. O. Reg. 160/73, s. 1, *part*.

ADMISSION BY TRANSFER

INTERPRETATION

3.—(1) In section 4, "active practice of law" in a province or territory of Canada includes service in a legal capacity with a department or agency of the Government of Canada in any part of Canada or with the Judge Advocate General's Branch of the Canadian Armed Forces. O. Reg. 220/75, s. 1 (1).

(2) In this section and in section 4,

(a) "applicant" means an applicant for call to the bar and admission as a solicitor and "application" has a corresponding meaning;

(b) "certificate of good standing" means a certificate of the law society or equivalent body having the power to make such a certificate in the jurisdiction in which the applicant claims the right to practise at the time of his application and from which he desires to transfer showing,

(i) that he is in good standing with that society or body, and

(ii) that no charge is pending against him in respect of alleged conduct for which he could be struck off

the rolls or suspended from practice or otherwise disciplined and if there has been previous disciplinary action that resulted in the applicant having been struck off the rolls or suspended from practice or otherwise disciplined, the certificate shall so state, giving particulars;

(c) "Committee" means the Admissions Committee. O. Reg. 160/73, s. 1, *part*; O. Reg. 220/75, s. 1 (2).

FROM JURISDICTION WITHIN CANADA

4.—(1) Upon the recommendation of the Committee, an applicant may be called to the bar and admitted as a solicitor who,

(a) has been engaged in the active practice of law in one or more common law provinces or territories of Canada for a period or periods totalling at least three years within the five year period immediately preceding his application;

(b) files a certificate of good standing;

(c) passes the prescribed examinations on the statutes of Ontario and procedure in Ontario; and

(d) presents evidence of the time or times during which and the place or places where he has been engaged in the active practice of law.

(2) Upon the recommendation of the Committee, an applicant may be called to the bar and admitted as a solicitor who,

(a) has been engaged in the active practice of law in the Province of Quebec for a period or periods totalling at least three years within the five year period immediately preceding his application;

(b) files a certificate of good standing;

(c) presents evidence of the time or times during which and the place or places where he has been engaged in the active practice of law;

(d) passes a comprehensive examination on the common law of Ontario; and

(e) passes the prescribed examinations on the statutes of Ontario and procedure in Ontario.

(3) Upon the recommendation of the Committee, an applicant who has been engaged in the active practice of law in the Province of Quebec,

- (a) may be admitted to the Society as a student member in the Bar Admission Course upon,
 - (i) filing a certificate of good standing, and
 - (ii) successfully completing a one year conversion course in common law; and
- (b) may be called to the bar and admitted as a solicitor upon successfully completing the Bar Admission Course. O. Reg. 160/73, s. 1, *part*.

ADMISSION OF LAW TEACHERS

5.—(1) The dean of a law school in Ontario that is approved by Convocation, upon application after he has entered upon the second consecutive year in that position, may, in the discretion of Convocation, be called to the bar and admitted as a solicitor without examination.

(2) A full-time member of the faculty of a law school in Ontario that is approved by Convocation, upon application after he has entered upon the third consecutive year in that position, may, in the discretion of Convocation, be called to the bar and admitted as a solicitor without examination. R.R.O. 1970, Reg. 556, s. 9.

ADMISSIONS FOR OCCASIONAL COURT APPEARANCE

6.—(1) Any person who is a member of the legal profession from outside Ontario may, in the discretion of Convocation, be admitted to membership in the Society and called to the bar and admitted as a solicitor for the purpose of appearing as counsel in a specific proceeding under rule 56.

(2) The applicant shall undertake to Convocation that he will not otherwise engage in the practice of law in Ontario.

(3) Upon the completion of such proceeding he shall be deemed to have applied to the Society for permission to resign. R.R.O. 1970, Reg. 556, s. 10.

BANKRUPTCY

7.—(1) Every barrister and solicitor shall forthwith notify the Secretary of the receipt by him of a petition to declare him bankrupt or of the making by him of a general assignment for the benefit of his creditors.

(2) From and after the date a barrister and solicitor is declared to be a bankrupt or makes a general assignment for the benefit of his creditors and so

long as he remains an undischarged bankrupt, he shall not without the written permission of Convocation or the Discipline Committee accept from or on behalf of clients any money or other property other than in payment of fees for services rendered or in reimbursement for money properly expended or expenses properly incurred on behalf of a client.

(3) A member by becoming bankrupt under the *Bankruptcy Act* (Canada) may be guilty of conduct unbecoming a barrister and solicitor. R.R.O. 1970, Reg. 556, s. 11.

DISCIPLINE

INTERPRETATION

8. In this section and in sections 9 and 10,

- (a) "chairman" means the chairman of the Committee;
- (b) "Committee" means the Discipline Committee;
- (c) "vice-chairman" means the vice-chairman of the Committee. R.R.O. 1970, Reg. 556, s. 12.

INVESTIGATION AND HEARING OF COMPLAINTS

9.—(1) Where information comes to the notice of the Society that indicates that a member may have been guilty of professional misconduct or of conduct unbecoming a barrister and solicitor, the Secretary shall make such preliminary investigation of the matter as he considers proper, and where in his opinion there are reasonable grounds for so doing, he shall refer the matter promptly to the Committee or the chairman or vice-chairman for further directions.

(2) Subject to the directions of the Committee or the chairman or vice-chairman, the Secretary shall,

- (a) prepare and complete or cause to be completed under oath a complaint and file it in the office of the Secretary;
- (b) serve upon the member whose conduct is being investigated a copy of the complaint, a notice of the time and place of the hearing and a summons requiring him to attend thereat; and
- (c) make all necessary arrangements for the conduct of the hearing, including as appropriate, the appointment of counsel for the Society, the arrangements for oral evidence to be taken down in writing, the issue of summonses to witnesses, the production of documents and things, and the notification to all members of the Committee of the time and place of the hearing.

(3) Subject to subsection (4), a quorum of the Committee is three members of the Committee who are not *ex officio* benchers.

(4) A quorum of the Committee for the granting of an uncontested adjournment is one member of the Committee who is not an *ex officio* bencher.

(5) The Committee may amend a complaint, but where in the opinion of the Committee the member may be prejudiced by the amendment, the Committee shall adjourn the hearing of the complaint as amended to a later date.

(6) Where at the conclusion of the hearing of a complaint or amended complaint against a member, such complaint or amended complaint has been established to the satisfaction of the Committee and the Committee has not by order reprimanded him, the Committee shall report in writing to Convocation setting forth a summary of the evidence at the hearing, its findings of fact and conclusions of law, if any, based thereon and its recommendations as to the action to be taken by Convocation on the complaint.

(7) The Secretary shall,

- (a) prepare the report referred to in subsection (6) for approval by the Committee, and the Committee's approval shall be evidenced by the signature thereto of the member of the Committee who presided at the hearing or in his absence by another member of the Committee who was present at the hearing; and
- (b) serve upon the member whose conduct is being investigated a copy of the report as so approved, a notice of the time and place of the Convocation that will consider the report, a summons requiring him to attend thereat and a notice substantially as follows:

"If you intend to dispute any statement of fact or finding of fact contained in the attached report of the Discipline Committee at the time of its consideration by Convocation, you are required to file with the Secretary not later than the day preceding Convocation a written statement setting forth any such statement of fact or finding of fact that you intend to dispute". R.R.O. 1970, Reg. 556, s. 13.

INVITATIONS TO ATTEND

10. Where there comes to the notice of the Society, as a result of a preliminary investigation by the Secretary or otherwise, information that indicates that a member may have been guilty of a minor breach of discipline or that indicates

there is a possibility that his conduct may result in a breach of discipline, the Committee or the chairman or vice-chairman may direct the Secretary, without any formal complaint being completed and filed, to invite the member to appear before the Committee to enable it to make an informal investigation of the matter, and the Committee, in addition to any of its other powers, may after such informal investigation advise the member with respect to the matter. R.R.O. 1970, Reg. 556, s. 14.

STUDENT MEMBERS

11. Sections 9 and 10 apply with necessary modifications to student members in respect of conduct unbecoming a student member. R.R.O. 1970, Reg. 556, s. 15.

RESIGNATIONS

12.—(1) Every application of a member or student member for permission to resign shall be in writing and sent to the Secretary accompanied by a statutory declaration or, if the applicant is not a resident of Canada, an affidavit, setting forth,

- (a) his age, date of call to the bar, place of residence, office address, if any, number of years in practice, if any, and stating briefly the reasons for the application;
- (b) that all trust funds or clients' property for which the applicant was responsible have been accounted for and paid over to the persons entitled thereto and an accountant's certificate to that effect shall be attached and marked as an exhibit or, alternatively, that the applicant has not handled trust funds or other clients' property;
- (c) that all clients' matters have been completed and disposed of or that arrangements have been made to the clients' satisfaction to have their papers returned to them or turned over to some other barrister and solicitor or, alternatively, that the applicant has not engaged in practice;
- (d) that the applicant is not aware of any claim against him in his professional capacity or in respect of his practice; and
- (e) such additional information or explanation as may be relevant by way of amplification of the foregoing.

(2) The applicant shall also furnish proof of publication in the Ontario Reports of a notice of his intention to apply for permission to resign in the form prescribed in the rules, such notice to be

published at least thirty days before the application is sent to the Secretary.

(3) Every application for permission to resign shall be referred to the Finance Committee for consideration and report to Convocation.

(4) The Finance Committee may require additional information and may accept undertakings from the applicant and in reporting its recommendations to Convocation it may include conditions which are to be complied with by the applicant as a term of granting permission to resign.

(5) Where the applicant believes that there may be good reason for dispensing with any of the foregoing requirements, he may make application to the Finance Committee setting forth his reasons and the Committee may in its discretion dispense with any of such requirements.

(6) Where a member has been found to be mentally incompetent and a committee of his affairs has been appointed, the application for permission to resign may be made by his committee.

(7) Notwithstanding anything in subsections (1) to (6), if a report of the Discipline Committee is before Convocation recommending the disbarment of a member, the member may request Convocation to permit him to resign, and Convocation may grant the request upon such terms and conditions as it considers proper. R.R.O. 1970, Reg. 556, s. 16.

BOOKS, RECORDS AND ACCOUNTS

INTERPRETATION

13. In this section and in sections 14 to 18,

- (a) "client" includes any person or body of persons, corporate or unincorporate, from whom or on whose behalf a member in connection with his practice receives money or other property;
- (b) "member" includes a firm of members;
- (c) "money" includes current coin, government or bank notes, cheques, drafts, post office orders or express or bank money orders. O. Reg. 983/74, s. 1, *part*.

14.—(1) Every member who receives money in trust for a client, except money hereinafter expressly exempted from the application of this section, shall forthwith pay the money into an account at a chartered bank, provincial savings office or registered trust company to be kept in the name of the member or in the name of the firm of which he is a member or by which he is employed and designated as a trust account.

(2) A member may keep one or more trust accounts as he thinks fit.

(3) Trust money is money received by a member that belongs in whole or in part to a client or that is to be held on the client's behalf or to his or another's direction or order, and includes money advanced to a member on account of fees for services not yet rendered or money advanced on account of disbursements not yet made.

(4) There shall be paid into a trust account only,

- (a) trust money;
- (b) money that may by inadvertence have been drawn from the trust account in contravention of this section; and
- (c) money paid to a member representing in part money belonging to a client and in part money belonging to the member where it is not practicable to split the payment, but money belonging to the member shall be drawn from the trust account without delay.

(5) Money need not be paid into a trust account,

- (a) that a client in writing requests a member to withhold from the trust account or to deposit elsewhere;
- (b) that a member pays into a separate account opened or to be opened in the name of a client or some person named by that client or the duly authorized agent of that client; or
- (c) that in the ordinary course of business upon its receipt is paid forthwith in the form in which it is received to or on behalf of the client,

but the handling of such money shall be shown in the books and records of the member.

(6) Money shall not be paid into a trust account,

- (a) that belongs entirely to the member or to others in his firm including an amount received as a general retainer for which the member is not obligated either to account or to render services;
- (b) that is received by the member on account of fees for which a billing has been delivered or for services already performed for which a billing is delivered forthwith thereafter or is received to reimburse the member for disbursements made or expenses incurred on behalf of a client.

(7) Money on deposit in a trust account to which the member becomes entitled shall reasonably promptly

thereafter be drawn from the trust account in accordance with subsection (8).

(8) Money shall not be drawn from a trust account other than,

- (a) money properly required for payment to or on behalf of a client;
- (b) money required to reimburse the member for money properly expended on behalf of a client or for expenses properly incurred on behalf of a client;
- (c) money properly required for or toward payment of the member's fees for which a billing or other written notification has been delivered;
- (d) money that is directly transferred into another trust account and held on behalf of a client;
- (e) money that may by inadvertence have been paid into the trust account in contravention of this section,

but in no case shall the money so drawn exceed the unexpended balance of the money held in the trust account for the client.

(9) Money drawn from a trust account under clause (8) (b) or (c) shall be drawn only,

- (a) by a cheque drawn in favour of the member; or
- (b) by a transfer to a bank account that is in the name of the member and is not a trust account.

(10) A cheque drawn on a trust account shall not be,

- (a) made payable either to cash or to bearer; or
- (b) signed by a person who is not a member except in exceptional circumstances, and except when the person is bonded in an amount at least equal to the maximum balance on deposit during the immediately preceding fiscal year of the member in all the trust accounts on which signing authority has been delegated to the person.

(11) Money other than money permitted by subsection (8) shall not be drawn from a trust account unless Convocation specifically authorizes in writing its withdrawal.

(12) At all times a member shall maintain sufficient balances on deposit in his trust account or accounts to meet all his obligations with respect to moneys held in trust for clients.

(13) For the purposes of subsections (8) and (12), cash or a certified cheque or cheques negotiable by the member or cheques drawn by the member on his trust account, in the possession and control of the member, shall be deemed to be money held in a trust account if such cash or cheques received are deposited in the trust account not later than the next banking day. O. Reg. 983/74, s. 1, *part*.

RECORDS

15.—(1) Every member shall maintain books, records and accounts in connection with his practice to record all money and other negotiable property received and disbursed, and as a minimum requirement every member shall maintain,

- (a) a book of original entry showing the date of receipt and source of money received in trust for each client and identifying the client on whose behalf the trust money is received;
- (b) a book of original entry showing all disbursements out of money held in trust for each client and showing each cheque number, the date of each disbursement, the name of each recipient, and identifying the client on whose behalf each disbursement is made out of money held in trust;
- (c) a clients' trust ledger showing separately for each person on whose behalf money has been received in trust all such money received and disbursed and any unexpended balance;
- (d) a record showing all transfers of money between clients' trust ledger accounts and explaining the purpose for which each transfer is made;
- (e) a book of original entry showing the date of receipt and source of all money received other than trust money;
- (f) a book of original entry showing all disbursements of money other than trust money and showing each cheque or voucher number, the date of each disbursement, and the name of each recipient;
- (g) a fees book or chronological file of copies of billings showing all fees charged and other billings to clients, the dates such charges are made, and identifying the clients so charged;
- (h) a record showing a comparison made monthly of the total of balances held in the trust account or accounts and the total of all unexpended balances of funds held in trust for clients as they appear from the books and records together with

the reasons for any differences between the totals and supported by,

- (i) a detailed listing made monthly showing the amount of trust money held for each client and identifying each client for whom trust money is held, and

- (ii) a detailed reconciliation made monthly of each trust bank account, and

such detailed listings and reconciliations shall be retained as records supporting the monthly trust comparisons;

- (i) a record showing all negotiable or other valuable property, other than money, held in trust from time to time for all clients; and

- (j) bank statements or pass books, cashed cheques and detailed duplicate deposit slips for all trust and general accounts.

(2) The books, records and accounts required to comply with subsection (1),

- (a) shall be entered and posted currently at all times, and the trust comparison required by clause (1) (h) shall be made monthly within fifteen days from the effective date of each comparison;

- (b) shall be entered and posted in ink or a duplication thereof, or by machine, and shall be preserved for at least the six-year period previous to the most recent fiscal year-end of the member, with the exception of trust cash receipt and disbursement books of original entry and the books and records required by clauses (1) (c), (h) and (i) which shall be preserved for at least ten years. O. Reg. 983/74, s. 1, *part*.

16.—(1) Every member who engages in the private practice of law in Ontario shall inform the Secretary in writing of the termination date of his fiscal year, and shall file with the Secretary written notice of any change in the fiscal year within one month after the change is made.

(2) Every member who engages in the private practice of law in Ontario shall file with the Society within six months from the termination of his fiscal year a statutory declaration in the form prescribed by the rules and a report duly completed by a public accountant and signed by the member in the form prescribed by the rules in respect of each practice with which he was associated since his last filing.

(3) Subsections (1) and (2) do not apply to a member,

- (a) who has not engaged in the private practice of law in Ontario since last filing under this section;

- (b) who has practised exclusively as an employee of a government agency, corporation or other non-member of the Society since last filing under this section;

- (c) who has practised exclusively as an employee of a sole practitioner or of a firm and who has not practised on his own account apart from such employment since last filing under this section,

if the member files with the Society on or before the 30th day of November in each year a statutory declaration to that effect in the form prescribed by the rules.

(4) Subsections (1), (2) and (3) do not apply to a member who is sixty-five years of age or over and who has permanently retired. O. Reg. 983/74, s. 1, *part*.

RECOURSE

17. Nothing in this Regulation deprives a member of any recourse or right, whether by way of lien, set-off, counter claim, charge or otherwise, against money standing to the credit of a client in the member's trust account. R.R.O. 1970, Reg. 556, s. 21.

INVESTIGATION

18.—(1) The chairman or a vice-chairman of the Discipline Committee may at any time require an investigation to be made by a person designated by him of the books and accounts of any member for the purpose of ascertaining and reporting whether sections 14, 15 and 16 have been and are being complied with by such member who shall produce forthwith to such person all evidence, vouchers, records, books, papers and shall furnish such explanations as such person may require for the purpose of his investigation.

(2) Before instituting an investigation on a complaint made by a third person, the chairman or vice-chairman of the Discipline Committee may require *prima facie* evidence that a ground of complaint exists.

(3) All investigations commenced under this section shall be reported monthly to the Treasurer.

(4) Nothing in this section limits the right of Convocation or the Discipline Committee to institute further investigations or to require the filing of other reports. O. Reg. 983/74, s. 2.

CODE OF ETHICS

19.—(1) The Professional Conduct Committee is authorized to prepare and publish a handbook con-

taining the code of professional conduct and ethics and the rulings with respect thereto under the title "Professional Conduct Handbook".

(2) Until such time as a new edition of the Professional Conduct Handbook is published, the Secretary shall furnish a copy of the current edition thereof to every person who becomes a member or student member and, upon request, to any other person.

(3) When a new edition of the Professional Conduct Handbook is published, the Secretary shall furnish a copy thereof to every member and student member and, upon request, to any other person. R.R.O. 1970, Reg. 556, s. 23.

REPORTING OF COURT DECISIONS

20.—(1) Copies of the Ontario Reports shall be furnished at the expense of the Society to such persons as Convocation, on the recommendation of the Libraries and Reporting Committee, may from time to time direct.

(2) Copies of the Ontario Reports and such other reports as the Committee may from time to time determine shall for the ensuing year be furnished to members in good standing and not in arrears of fees, excluding members paying a reduced fee who have chosen not to receive the reports and excluding life members who have chosen not to receive the reports.

(3) The Committee may permit the publisher to publish with each part of the Ontario Reports such advertising not objectionable to the Committee as the publisher may wish to print at his own expense, but all such advertising shall be kept entirely separate from the text of the Reports.

(4) Any advertisement placed in the Ontario Reports by a member that discloses his name shall not in any way call attention to his special qualifications or connections. R.R.O. 1970, Reg. 556, s. 24.

REASONS FOR JUDGMENT

21. The Libraries and Reporting Committee may make provision for the distribution of copies of reasons for judgment on such terms as the Committee may from time to time determine. R.R.O. 1970, Reg. 556, s. 25.

BAR ADMISSION COURSE

22.—(1) The Society shall conduct the "Bar Admission Course" through which, subject to sections 3 to 6, every applicant for call to the bar and admission as a solicitor shall successfully pass.

(2) The faculty of the Bar Admission Course shall consist of a director, one or more assistant or deputy

directors, and such lecturers, instructors and tutors as may be required.

(3) The staff of the Bar Admission Course includes the members of the faculty, the demonstrators, the administrative officers and the clerical assistants who are appointed from time to time. R.R.O. 1970, Reg. 556, s. 26 (1-3).

(4) The Bar Admission Course shall consist of,

(a) service under articles of clerkship for twelve consecutive months within the eighteen-month period preceding entry into the teaching part of the Course described in clause (b); and

(b) the teaching part of the Course consisting of practical training, lectures and tutorial groups for a period of up to six months.

(5) The Bar Admission Course shall be completed by every student-at-law within the five-year period commencing at graduation from a law course in a university in Canada approved by Convocation.

(6) The Legal Education Committee of the Society in any case involving exceptional circumstances may modify the requirements of subsections (4) and (5).

O. Reg. 220/75, s. 3 (1), *part*.

(7) The academic qualification for admission to the Bar Admission Course as a student-at-law is,

(a) graduation from a law course, approved by Convocation, in a university in Canada; or

(b) a certificate of qualification issued by the joint committee on foreign accreditation appointed by the Federation of Law Societies of Canada and the Committee of Canadian Law Deans. O. Reg. 135/80, s. 1 (1).

(8) An applicant for admission as a student member in the Bar Admission Course shall file with the director on or before the last business day in the month of August,

(a) a completed application;

(b) a certificate of graduation from an approved law course in a university in Canada or a certificate of qualification issued by the joint committee on foreign accreditation appointed by the Federation of Law Societies of Canada and the Committee of Canadian Law Deans;

(c) a certified copy of the applicant's pre-law university record; and

(d) articles of clerkship. O. Reg. 135/80, s. 1 (2).

COUNTY AND DISTRICT LAW ASSOCIATIONS

INTERPRETATION

23. In this section and in sections 24 to 35,

- (a) "association" means a county or district law association;
- (b) "Committee" means the Libraries and Reporting Committee;
- (c) "county" includes a union of counties and a territorial district;
- (d) "trustees" where an association is incorporated, means the directors of the corporation. R.R.O. 1970, Reg. 556, s. 27.

FORMATION

24.—(1) The members of the Society in any county or any part thereof may, with the approval of Convocation, form an association and elect the trustees thereof.

(2) At the time of the formation of an association or at any time thereafter, upon and in accordance with the request of Convocation, the trustees shall cause the association to be incorporated.

(3) Upon formation, an association shall send to the Chief Librarian a certified copy of its constitution and by-laws and thereafter shall send all amendments thereto as they are made, and, upon incorporation, an association shall send to the Chief Librarian a certified copy of its letters patent and by-laws and thereafter shall send all amendments thereto as they are made, and, in either case, proof of the condition of its funds and that proper accommodation has been provided for its library, together with an undertaking that the association has knowledge of and will comply with the regulations applicable to county law libraries and with such other particulars as are required by the Committee. R.R.O. 1970, Reg. 556, s. 28.

TWO LIBRARIES IN ONE COUNTY

25. Where sittings of the Supreme Court are held in two or more places in a county, the association of that county may establish a library in each such place, and, where more than one library has been so established, the amount of the annual grant from the Society to the association may be increased by an amount not exceeding 50 per cent of the grant that would otherwise be made. R.R.O. 1970, Reg. 556, s. 29.

BOOKS HELD IN TRUST

26. The trustees of an association shall hold the books of its library in trust for the Society and in case of the dissolution or winding-up of an association or the disposal of its property, it shall return the books to the Society. R.R.O. 1970, Reg. 556, s. 30.

APPLICATION OF FUNDS

27. At least one-half of the fees received by an association from its members and the whole of the aid at any time granted to the association by the Society shall be applied in the purchase, binding and repairing of books for its library and in paying for telephone service and the salary of its librarian. R.R.O. 1970, Reg. 556, s. 31.

ANNUAL REPORTS

28.—(1) Every association shall make a report to the Society before the end of February in each year showing the state of its finances and of its library as of the close of the previous calendar year, together with such other information as may be required by the Committee.

(2) If the Committee is satisfied that an association has complied with the regulations applicable to county law libraries, it shall make a report thereon to Convocation. R.R.O. 1970, Reg. 556, s. 32.

FIRST-YEAR GRANTS

29. The Society's grant in aid to an association for its first year shall be a sum equal to double the amount of,

- (a) the contributions in money actually paid to the association; or
- (b) the value of the books actually given to the association from all local sources,

but the amount of such grant shall not exceed \$100 for each member of the Society in the county who is a member of the association. R.R.O. 1970, Reg. 556, s. 33.

ANNUAL GRANTS

30.—(1) The Society's grant in aid to an association for each year after the first year shall, subject to subsections (2), (3) and (4) and section 31 be a sum equal to double the amount of the fees actually paid to the association by its members up to a maximum of \$35 for each member, unless Convocation otherwise directs having regard to the report of the Chief Librarian on the condition of its library and its requirements.

(2) In addition to the annual grant provided for by subsection (1), each association whose library is reported on satisfactorily by the Chief Librarian is entitled to receive a sum equal to two-thirds of the amount actually paid out by the association for telephone service and the salary of its librarian, but the amount of such additional sum shall not exceed \$200 except in the case of an association having a membership of fifty or more, in which case the amount thereof shall not exceed \$300.

(3) Where the Chief Librarian makes a special report in favour of an increased grant and the Com-

mittee so recommends, the amounts of the additional sums mentioned in subsection (2) may be increased to not more than \$400 and \$600 respectively.

(4) Where the sum that would be paid to any association by way of annual grant in any year under subsections (1), (2) and (3) is less than \$750, the grant may be increased to an amount not exceeding \$750 if the Committee is satisfied that the association has received a reasonable amount in fees from its members who are members of the Society or are judges or justices of the peace, that the number of its members paying association fees is a reasonable proportion of the members of the Society in the county and that the regulations applicable to county law associations have been complied with.

(5) Where an association has complied with the regulations applicable to county law libraries, all sums making up the annual grant payable to the association shall, on the recommendation of the Committee, be paid before the end of March. R.R.O. 1970, Reg. 556, s. 34.

SPECIAL GRANTS

31.—(1) When any association that has been established for at least two years and that has regularly made the required returns and that has complied with the requirements of the regulations applicable to county law libraries satisfies Convocation that the association is unable to purchase such reports or text books as are necessary to make the library thoroughly efficient and useful having regard to the locality in which the library is established and the number of members of the Society who are members of the association, or that it requires financial assistance in any way, Convocation, on the recommendation of the Committee, may make a special grant either of books or of money to the association or may advance by way of a loan without interest to the association a sum not exceeding the estimated amount of the next three years annual grants.

(2) Any loan made under subsection (1) shall be repaid out of future annual grants or otherwise in such manner as Convocation may direct.

(3) Security may be required to be given to the satisfaction of the Committee for the due expenditure of any money grant or loan made under this section or for the repayment of any such loan. R.R.O. 1970, Reg. 556, s. 35.

MAXIMUM GRANTS

32. Subject to section 30,

- (a) the total sum to be paid to any association, other than the County of York Law Association, in any year shall not exceed \$2,000; and
- (b) the total sum to be paid to the County of York Law Association in any year shall not

exceed \$3,500. R.R.O. 1970, Reg. 556, s. 36.

SUSPENSION, REDUCTION, ETC. OF GRANTS

33.—(1) Where an association does not comply with the regulations applicable to county law libraries, Convocation may suspend all or part of any grant otherwise payable for such time as Convocation directs or may make a reduced grant or may refuse to make any grant.

(2) Where the failure to comply consists only in the failure of an association to transmit to the Chief Librarian of the Society its annual report on or before the end of February and where this failure is rectified before the end of May in the same year, the Committee shall make a special report to Convocation and Convocation may either refuse to make the annual grant or may grant a lesser sum than the sum that would otherwise be payable.

(3) Where the failure to comply continues beyond the end of May, the grant that would otherwise have been payable to the association except for such default shall, if made, be reduced by 10 per cent. R.R.O. 1970, Reg. 556, s. 37.

USE

34. County law libraries are for the use of,

- (a) paid-up members of any county law association;
- (b) members of the Society from outside the county while in the county on legal business;
- (c) Supreme Court judges, county and district court judges, provincial judges, and justices of the peace; and
- (d) the members of administrative or quasi-judicial boards or commissions or other tribunals established or provided for by any Act while exercising their functions in the county. R.R.O. 1970, Reg. 556, s. 38.

35.—(1) If in the opinion of the Committee a county law library is not being properly cared for or for any other reason it is not being satisfactorily maintained, the Committee may, with the approval of Convocation, require the trustees of the association to return the books comprising its library to the Chief Librarian at Osgoode Hall at the expense of the association in which case the trustees shall so do.

(2) If the trustees do not return the books when required or if there are no trustees capable of acting or willing to act, Convocation may make such steps to obtain the books as they consider advisable, and any expense incurred in so doing shall be paid by the association to the Society. R.R.O. 1970, Reg. 556, s. 39.

FORM OF SUMMONS

36. The summons referred to in section 33 (10) of the Act shall be in the following form:

SUMMONS TO WITNESS

RE:

TO:

You are hereby summoned and required to attend before the Discipline Committee of the Law Society of Upper Canada at a hearing, to be held in the Discipline Committee's Room at Osgoode Hall in

the City of Toronto on.....day the.....day of
....., 19...., at the hour of.....o'clock,

in the.....noon (local time) and so from day to day until the hearing is concluded or the Committee otherwise orders to give evidence on oath touching the matters in question in the proceedings and to bring with you and produce at such time

and place.....
.....
.....

Dated at Toronto this.....day of.....,
19....

The Treasurer or the Chairman or
Vice-Chairman of the Committee,
or the Secretary

NOTE: You are entitled to the like conduct money and payment for expenses and loss of time as upon attendance as a witness at a trial in the Supreme Court.

If you fail to attend and give evidence at the hearing or to produce the documents or things specified at the time and place specified without lawful excuse, you are liable to punishment by the Supreme Court in like manner as if for contempt of that Court for disobedience to a subpoena. R.R.O. 1970, Reg. 556, Form.

REGULATION 574

under the Law Society Act

LAW FOUNDATION

1. In this Regulation,

- (a) "banker" means a chartered bank, provincial savings office or registered trust company;
- (b) "mixed trust account" means an account to which section 57 of the Act applies. O. Reg. 159/74, s. 1.

2. The report required under section 57 of the Act shall be in Form 1 and shall be filed annually with the Society at the time of filing the report required by section 16 of Regulation 573 of Revised Regulations of Ontario, 1980 by each member to whom section 57 of the Act applies and the Society shall receive such reports on behalf of the Foundation and deliver them to the Foundation. O. Reg. 159/74, s. 2.

3. Every member to whom section 57 of the Act applies shall direct his banker,

- (a) to compute monthly the amount earned by applying to the minimum balance in his mixed trust account the rate of interest approved from time to time by the trustees;
- (b) to pay quarterly into an account held in the name of the Foundation the amounts so calculated; and
- (c) to give written notice to the member and to the Foundation when each quarterly payment is made setting out,
 - (i) the amount of the payment,
 - (ii) the amounts of monthly balances, and
 - (iii) the rate or rates of interest used in computing the amounts comprising the payment.

Form 1

Law Society Act

REPORT TO THE LAW FOUNDATION OF ONTARIO

To: The Law Foundation of Ontario
Osgoode Hall
Toronto, Ontario M5H 2N6

Name of Solicitor:
(print or type)

Name of Firm:
(print or type)

Business Address:

I, or the firm of which I am a member, hold money in trust for or on account of more than one client in an account at
(name of chartered bank, provincial savings office or registered trust company)
.....
(branch) (account number)
.....
(name in which account is held)

I am advised that the following payments have been made to The Law Foundation of Ontario representing interest accruing on the money held in the above account during the month period ended 19...

REGULATION 575

under the Legal Aid Act

GENERAL

INTERPRETATION

1. In this Regulation,

- (a) "applicant" means a person who applies for legal aid;
- (b) "area committee" means the legal aid area committee established pursuant to the Act for a legal aid area designated in this Regulation;
- (c) "articled student" means a person enrolled in the Bar Admission Course during the time he is not in attendance at the teaching period thereof;
- (d) "client" means a person holding a valid legal aid certificate;
- (e) "controller" means the person employed as controller by the Law Society, with the approval of the Attorney General, under section 3 of the Act;
- (f) "dean" means the director of the Bar Admission Course and includes the chief administrator of any law course approved by the Law Society;
- (g) "law student" means a person enrolled in any law course approved by the Law Society or in the Bar Admission Course during the time he is in attendance at the teaching period thereof;
- (h) "Legal Accounts Officer" means the person designated as such under subsection 26 (2) of the Act;
- (i) "Legal Aid Committee" means the standing committee on legal aid constituted by the Law Society;
- (j) "Plan" means the legal aid plan as established and administered by the Law Society under the Act and this Regulation;
- (k) "Rules of Practice" means, unless the context otherwise requires, the Rules of Practice and Procedure of the Supreme Court of Ontario;
- (l) "solicitor" includes a barrister and counsel in legal aid matters where counsel is required or authorized by this Regulation for the legal aid services to be performed;
- (m) "Taxing Officer" means the Taxing Officer at Toronto;
- (n) "year" means the period commencing on the 1st day of April and ending on the 31st day of March next following. R.R.O. 1970, Reg. 557, s. 1.

PART I

ORGANIZATION AND DUTIES

THE DIRECTOR OF LEGAL AID

2.—(1) The Director shall be,

- (a) the chief executive officer of the Plan;
- (b) responsible to the Law Society for the proper administration of the Plan; and
- (c) the secretary of the Legal Aid Committee.

(2) The Law Society may appoint one or more deputy directors. R.R.O. 1970, Reg. 557, s. 3.

3. The Director, whenever he considers it desirable, may call a meeting of all area directors to consider matters of common interest and to encourage uniformity of practice. R.R.O. 1970, Reg. 557, s. 4.

THE CONTROLLER

4. The Controller is responsible to the Director for,

- (a) organizing, maintaining and supervising all accounting and financial procedures and records relating to the Plan;
- (b) organizing and supervising the work of the clerical staff in the Director's office;
- (c) organizing, maintaining and supervising procedures for collecting, retaining and analyzing such information relating to the operation of the Plan as is required by the Director; and
- (d) the submission to the Director of such financial statements and reports as the Director may require. R.R.O. 1970, Reg. 557, s. 5.

THE LEGAL ACCOUNTS OFFICER

5. The Legal Accounts Officer is responsible to the Director for the settlement in accordance with this Regulation of all solicitors' accounts for services rendered under the Act and this Regulation, other than the accounts of duty counsel, and he is authorized to make any enquiries he considers necessary for this purpose. R.R.O. 1970, Reg. 557, s. 6.

AREAS AND AREA DIRECTORS

6. For the administration of the Plan, Ontario is divided into the areas designated in Schedule 1. R.R.O. 1970, Reg. 557, s. 7.

7.—(1) Each area shall have an area director who shall maintain in his area an office in some convenient place approved by the Director.

(2) One or more deputy area directors may be appointed by the Law Society for any area and, in the Judicial District of York, an associate director may be appointed in lieu of or in addition to a deputy director or deputy directors.

(3) In an area for which no deputy area director has been appointed the Director may appoint some suitable person to perform the duties of the area director during his absence. R.R.O. 1970, Reg. 557, s. 8.

8. Each area office shall be kept open for business during the hours the Director may approve as being sufficient for the business required to be done. R.R.O. 1970, Reg. 557, s. 9.

9. Every area director shall,

- (a) be responsible to the Director for the administration of the Plan within his area;
- (b) be the secretary of the area committee for his area, but not a member thereof;
- (c) establish and maintain such legal aid, duty counsel and legal advice panels for his area as the Director shall authorize;
- (d) perform all the duties required of an area director by the Act and this Regulation;
- (e) maintain and make available upon request lists of members of the several panels in his area with the addresses of their places of business;
- (f) call meetings of his area committee as often as the business of his office requires and keep the minutes of all meetings of the committee;
- (g) make such reports, estimates and recommendations respecting the operation and administration of the Plan in his area as the Director may from time to time request; and

- (h) perform such other duties as the Director may from time to time require. R.R.O. 1970, Reg. 557, s. 10.

10. Except in those areas exempted from this section by the Legal Aid Committee, no area director shall perform any professional services as a solicitor for any client as defined by this Regulation. R.R.O. 1970, Reg. 557, s. 11.

AREA COMMITTEES

11. An area committee shall consist of not less than five members a majority of whom shall be members of the Law Society. R.R.O. 1970, Reg. 557, s. 12.

12. Persons who are not members of the Law Society shall be selected as representing the community served by the area committee. R.R.O. 1970, Reg. 557, s. 13.

13. Members of an area committee shall be appointed for a term of one year or until their successors are appointed. R.R.O. 1970, Reg. 557, s. 14.

14. A member of an area committee who desires to resign shall submit his resignation in writing to the Director. R.R.O. 1970, Reg. 557, s. 15.

15. A member of an area committee who removes his place of business or residence out of the area for which he was appointed or fails to attend three consecutive meetings of the committee without its leave shall be deemed to have vacated his appointment. R.R.O. 1970, Reg. 557, s. 16.

16. Any person appointed a member of an area committee who, in the opinion of the Legal Aid Committee, is no longer qualified to be a member thereof may be removed from office by the Director. R.R.O. 1970, Reg. 557, s. 17.

17. Every vacancy on an area committee shall be reported by the Director to the Legal Aid Committee at the next meeting thereof. R.R.O. 1970, Reg. 557, s. 18.

18. Meetings of the area committees shall be called by the area director or by the chairman or vice-chairman of the area committee whenever necessary. R.R.O. 1970, Reg. 557, s. 19.

19. A quorum of an area committee shall be three members present in person. R.R.O. 1970, Reg. 557, s. 20.

20. At the first meeting in each year, each area committee shall elect a chairman and a vice-chairman who shall hold office for the ensuing year or until the election of their successors and who shall be eligible for re-election. R.R.O. 1970, Reg. 557, s. 21.

21. The Chairman shall have a vote on all questions before the committee and in the event of an

equality of votes shall have the casting vote. R.R.O. 1970, Reg. 557, s. 22.

22. In addition to the duties required of it by the Act and this Regulation, each area committee shall advise the area director with respect to any matter upon which he requests its advice. R.R.O. 1970, Reg. 557, s. 23.

23. Each member in attendance at a meeting of an area committee shall be paid his expenses incurred in attending the meeting. R.R.O. 1970, Reg. 557, s. 24.

PANELS

24. A solicitor who desires that his name be entered upon a panel established pursuant to this Regulation shall submit an application in Form 1 to the area director. R.R.O. 1970, Reg. 557, s. 25.

25. Application under section 24 may be submitted to the area director of any area in which the solicitor maintains an office or in which he has an established practice. R.R.O. 1970, Reg. 557, s. 26.

26. Every area director shall maintain lists of the names on the panels provided for by section 21 of the Act and may subdivide the legal aid panel into criminal and civil divisions. R.R.O. 1970, Reg. 557, s. 27.

27. The name of every solicitor who has applied under sections 24 and 25 shall be entered by the area director on the appropriate panel lists. R.R.O. 1970, Reg. 557, s. 28.

28.—(1) The Law Society may establish standards of professional practice, training and experience for entry to and retention on any panel or subdivision of a panel or any class within any panel or subdivision of a panel.

(2) The area director must not enter or retain the name of a solicitor on a panel or a subdivision of a panel or in any class within any panel or subdivision of a panel unless the professional practice, training and experience of the solicitor meet the standards established by the Law Society for the panel or subdivision.

(3) Subsections (1) and (2) apply, notwithstanding section 27. O. Reg. 434/79, s. 1, *part*.

29.—(1) Where an area director proposes to remove the name of a solicitor from a panel or a subdivision of a panel or from a class within a panel or subdivision of a panel for failure to meet the standards of professional practice, training and experience established by the Law Society for retention on the panel or subdivision, the area director must give notice to the solicitor of the proposal, together with written reasons for the proposal.

(2) A notice under subsection (1) must state that the solicitor is entitled to a hearing by the Director if he

gives notice in writing requiring the hearing to the Director and to the area director within fifteen days after receipt of the notice under subsection (1), and a solicitor may so require such a hearing.

(3) Where the solicitor does not require a hearing in accordance with subsection (2) or does not attend at the time appointed for the hearing, the area director may carry out the proposal.

(4) Where the solicitor requires a hearing in accordance with subsection (2), the Director shall appoint a time for and hold the hearing.

(5) The Director may extend the time for the giving of notice by a solicitor requiring a hearing, either before or after the expiration of the time, where the Director is satisfied that there are reasonable grounds for applying for the extension, and the Director may give such directions as he considers proper consequent upon the extension.

(6) The area director and the solicitor and such other persons as the Director may specify are parties to the hearing.

(7) A party to the hearing shall be afforded an opportunity to examine before the hearing any written or documentary material or any report the contents of which will be given in evidence at the hearing.

(8) After a hearing under this section, the Director may direct the area director to take such action as the Director considers the area director should take in accordance with the Act and the Regulations. O. Reg. 434/79, s. 1, *part*.

30.—(1) With leave of the Legal Aid Committee, any party to proceedings before the Director under section 29 may appeal from the decision of the Director to the Legal Aid Committee.

(2) The Legal Aid Committee may affirm or may rescind the decision of the Director, may exercise the power of the Director to direct the area director to take action and for such purposes may substitute its opinion for that of the Director, or may refer the matter back to the Director for rehearing, in whole or in part, in accordance with such directions as the Committee considers proper. O. Reg. 434/79, s. 1, *part*.

31.—(1) A solicitor whose name has been entered on a panel may have his name removed on his written request to the area director and, subject to section 32, shall complete all work that he has undertaken under the Act.

(2) The Director, upon notice to the solicitor and with the approval of the Legal Aid Committee, may remove for cause the name of any solicitor from any panel.

(3) Where a notice of complaint is served upon a solicitor by the Law Society or a criminal charge is laid against a solicitor and the offence alleged in such

notice of complaint or such criminal charge relates in whole or in part to the operation of the Plan, the Director shall forthwith remove the name of such solicitor from all panels. R.R.O. 1970, Reg. 557, s. 29 (1-3).

(4) A solicitor whose name has been entered on a panel and who is associated in practice with a solicitor whose name has been removed from any panel under subsection (2) or (3) shall not, so long as such association continues, accept any certificate unless he has been authorized in writing by the Director to do so. O. Reg. 224/72, s. 1.

(5) A solicitor whose name has been entered on a panel who is unable for any reason to undertake legal aid relating to such panel during any period in excess of ten days may so inform the area director who shall cause the non-availability of such solicitor to be noted accordingly on all copies of such panel.

(6) A solicitor whose name has been removed from any panel under subsection (2) or (3) may apply to the area director to have his name restored to such panel and his name may be restored by the Director with the approval of the Legal Aid Committee. R.R.O. 1970, Reg. 557, s. 29 (4, 5).

32.—(1) Every solicitor whose name has been removed from a panel shall,

- (a) deliver any legal aid file in his possession to the area director when required;
- (b) report to the area director on the state of all uncompleted work; and
- (c) render his accounts for fees and disbursements in accordance with this Regulation.

(2) Nothing in this Regulation shall discharge any solicitor whose name has been removed from a panel from his obligations to his clients or to the Law Society. R.R.O. 1970, Reg. 557, s. 30.

33. Nothing in this Regulation shall interfere with a solicitor's privilege to refuse a request for his professional services. R.R.O. 1970, Reg. 557, s. 31.

34. Every member of a panel shall make reports, furnish information and render accounts in accordance with this Regulation. R.R.O. 1970, Reg. 557, s. 32.

35.—(1) At the request of the Director an area director shall furnish the names and addresses of all solicitors on his panels.

(2) The Director shall furnish at the request of an area director the names of members of panels in any other area so requested. R.R.O. 1970, Reg. 557, s. 33.

FIDELITY INSURANCE

36. The Law Society shall procure and maintain a policy or policies of fidelity insurance covering the

Director, Controller and such other employees as the Law Society shall determine, and any premium payable therefor shall be paid out of the Fund. R.R.O. 1970, Reg. 557, s. 34.

PART II

PROCEDURE

LEGAL AID

LEGAL AID APPLICATIONS

37. An application for legal aid by a resident of Ontario shall be in writing in Form 2. R.R.O. 1970, Reg. 557, s. 35.

38.—(1) If an applicant is not a resident of Ontario, and the legal aid applied for concerns a matter or proceeding arising in Ontario, the application shall be in writing in Form 2 and may be made to the area director of the area in which the event occurred giving rise to the application.

(2) The area director receiving the application shall make such enquiries and investigation as he can of the nature of the matter and the means of the applicant and shall forward the application with a report on his enquiries and investigation to the Director who may, in his discretion, direct the issue of a certificate. R.R.O. 1970, Reg. 557, s. 36.

39. An area director may require that an application for legal aid for an infant be made on his behalf by his parent or guardian, when the circumstances appear to so justify. R.R.O. 1970, Reg. 557, s. 37.

40.—(1) Subject to subsection (2), an application for legal aid for a person who has been found, under any Act, to be mentally incompetent, mentally ill or incapable of managing his affairs, shall be made on his behalf by his committee or legal representative.

(2) For the purposes of an application under section 31 of the *Mental Health Act*, an application for legal aid may be made by the patient or a friend or relative of the patient on his behalf. R.R.O. 1970, Reg. 557, s. 38.

41. Subject to section 42, every application for legal aid not being within clause 12 (d) or (e) of the Act shall be considered by the area director receiving it and if under all the circumstances, including questions of law or fact arising out of the applicant's claim to relief or defence or the nature of the matter sought to be dealt with by a solicitor,

(a) it appears that,

(i) the applicant requires legal aid in a matter in which he is concerned in a

representative, fiduciary or official capacity and it appears the costs can be paid out of any property or fund that is sufficient to pay such costs,

- (ii) the applicant is entitled to financial or other aid or has reasonable expectations of such aid and has failed to satisfy the area director that such aid is not available to him,
- (iii) the legal aid applied for is frivolous, vexatious, an abuse of the process of the court or an abuse of the facilities provided by the Act,
- (iv) the relief sought can bring no benefit to the applicant over and above the benefit that would accrue to him as a member of the public or some part thereof,
- (v) the relief sought, if obtained, is not enforceable in law,
- (vi) the applicant has failed without reasonable justification in any obligation to the Law Society with respect to legal aid, or
- (vii) the professional services sought are available to the applicant without legal aid,

he shall refuse to grant a certificate to the applicant, or

(b) it appears that,

- (i) the applicant is one of a number of persons having the same interests under such circumstances that one or more may sue or defend on behalf of or for the benefit of all,
- (ii) the applicant has the right to be joined in one action as plaintiff with one or more other persons having the same right to relief by reason of there being a common question of law or fact to be determined,
- (iii) the application is for legal aid for which the applicant has previously received a certificate with respect to the same action or matter,
- (iv) the relief sought is enforceable only in some other jurisdiction,
- (v) the cause of action may be prosecuted or defended only in a court of some other jurisdiction, or

- (vi) no sufficient reason for the granting of the certificate is shown at the particular time,

he may refuse to grant a certificate to the applicant. R.R.O. 1970, Reg. 557, s. 39.

42. An area director who is not or has not been a member of the Law Society shall not refuse to issue a certificate on any of the grounds set out in section 41 without the approval of at least three members of the area committee. R.R.O. 1970, Reg. 557, s. 40.

43.—(1) Subject to the provisions of subsection 16 (2) of the Act, applications not refused by the area director shall be referred to the appropriate assessment officer with his request in writing in Form 5 for a report under subsection 16 (3) of the Act.

(2) Notice in writing in Form 3 of the refusal of an application for legal aid shall forthwith be sent by the area director to the applicant.

(3) Where the area director has determined that the applicant can pay some part of the cost or the whole cost of the legal aid over a period not in excess of two years, a certificate shall not be issued until the applicant has signed and the area director has received the agreement to pay, contained in Form 6.

(4) Where the agreement contained in Form 6 is not signed and returned within fifteen days of the date on which it was sent to the applicant, the application for legal aid shall be deemed to have been withdrawn and no further proceedings shall be taken thereon.

(5) Withdrawal of an application under subsection (4) shall not be a bar to a later application for the same purpose. R.R.O. 1970, Reg. 557, s. 41.

44. An area director may refer back to an assessment officer any report made by him for further consideration and report. R.R.O. 1970, Reg. 557, s. 42.

45. An area director may request an assessment officer to make a supplementary report on a client at any time. R.R.O. 1970, Reg. 557, s. 43.

46. The financial abilities and needs of applicants shall be determined in accordance with standards established by the Department of Social and Family Services. R.R.O. 1970, Reg. 557, s. 44.

LEGAL AID UNDER SECTION 14 OF THE ACT

47. If legal aid is applied for in a matter or proceeding coming within section 14 of the Act, the applicant shall submit to the area director with his application, if available,

- (a) the opinion of the applicant's solicitor as to the advisability of an appeal or an applica-

tion to the court in any of the matters set out in clause 14 (1) (b) of the Act;

- (b) a copy of the order or judgment of the court or board appealed from;
- (c) a copy of the reasons for the order or judgment appealed from; and
- (d) such other information as may be considered advisable. R.R.O. 1970, Reg. 557, s. 45.

48. Where an application under section 47 together with its supporting material has been received by the area director, he shall submit it to the area committee forthwith together with all of the information that he has concerning the applicant, including a report of the amount, if any, the applicant was required to contribute to the Fund and if he is in default in his payments. R.R.O. 1970, Reg. 557, s. 46.

49. An area director who has received an application for legal aid in a matter coming within clause 14 (1) (a) or (b) of the Act and in whose opinion the circumstances of the application require the issue of a certificate immediately, may issue a provisional certificate authorizing the service and filing of a notice of appeal or a notice of application to the court without having first received the report of the assessment officer or the approval of the area committee. R.R.O. 1970, Reg. 557, s. 47.

50.—(1) The area committee may,

- (a) obtain such additional information and opinions and hear such representations as it considers necessary;
- (b) approve the application; or
- (c) dismiss the application.

(2) The area director shall forthwith inform the applicant in writing of the decision of the area committee, and if the application is refused, notice in writing in Form 4 of the refusal of the application shall be sent forthwith by the area director to the applicant. R.R.O. 1970, Reg. 557, s. 48.

PROVISIONAL CERTIFICATES

51.—(1) A provisional certificate in Form 9 issued under subsection 16 (6) of the Act shall be limited to authorizing such legal services as are necessary to protect the rights of the client until the report of the assessment officer, and in proper cases the approval of the area committee, have been received and considered by the area director.

(2) Upon the issuance of a provisional certificate, the client shall complete an undertaking in Form 24. R.R.O. 1970, Reg. 557, s. 49.

CERTIFICATE OF ELIGIBILITY

52.—(1) Where an area director has determined that an applicant is entitled under this Part to the legal aid applied for and where so required has received the approval of the Director or the area committee, he shall issue a certificate to the applicant.

(2) Where the legal aid applied for is one of the matters or proceedings set out in section 12 or 13 of the Act, the certificate shall be in Form 7.

(3) Where the legal aid applied for is one of the matters or proceedings set out in subsection 14 (1) of the Act, the certificate shall be in Form 8. R.R.O. 1970, Reg. 557, s. 50.

53. Every certificate issued for legal aid estimated to cost not more than \$60 shall have endorsed thereon by the area director issuing it a memorandum in the following words:

"This certificate is issued under subsection 16 (2) of the *Legal Aid Act*. If, in the opinion of the solicitor accepting it, the cost of the legal aid is likely to exceed \$60, he shall not proceed further with the matter or proceeding until the client named therein has applied for a fresh certificate. Failure to do so may result in the solicitor's account being settled at not more than \$60." R.R.O. 1970, Reg. 557, s. 51.

54. Every certificate issued shall bear date the day on which the applicant submitted his application to the area director and shall set out the nature and extent of the services to be rendered on the applicant's behalf, the amount of his contribution to the Fund, if any, and any restriction or limitation imposed by the area director or area committee. R.R.O. 1970, Reg. 557, s. 52.

55.—(1) The area director shall deliver or send the certificate to the applicant or at his request to the panel solicitor of his choice.

(2) A solicitor who has received a certificate shall, as soon as is possible, and in any event within ten days,

- (a) complete and sign the solicitor's acknowledgment and undertaking on the triplicate copy of the certificate and return it to the area director; or
- (b) if for any reason he is unable or unwilling to act, return the certificate forthwith to the client or to the area director as the circumstances require. R.R.O. 1970, Reg. 557, s. 53.

56.—(1) Where a certificate has been issued to a solicitor under this Regulation and the solicitor has not complied with clause 55 (2) (a) within one calendar month of the issuance of the certificate, the certificate,

(a) at the discretion of the area director, shall expire at any time during the three-month period following its date of issuance; and

(b) shall be deemed to have expired at the end of the three-month period following its date of issuance.

(2) Where a certificate has expired or is deemed to have expired under subsection (1), the area director shall forthwith serve on the client a Notice of Expiry in Form 31 by mailing the Notice by prepaid post to the client at his last address as shown in the records of the area director.

(3) A certificate that has expired or that is deemed to have expired under subsection (1) may be reactivated by the area director within one calendar month from the date of its expiry where, having regard to all circumstances, the area director is of the opinion that reactivation of the certificate will not be detrimental to the Fund.

(4) Where an area director reactivates a certificate under subsection (3), the area director shall forthwith serve on the client a Notice of Reactivation of Certificate in Form 32 by mailing the notice by prepaid post to the client at his last address as shown in the records of the area director.

(5) Where a certificate is reactivated under subsection (3), its date of issue for the purposes of subsection (1) shall be deemed to be the original date upon which it was issued, but where a certificate expires or is deemed to expire a second time under subsection (1), the certificate shall not be reactivated again.

O. Reg. 224/72, s. 2.

57. Where an applicant satisfies an area director that a certificate issued to him has been lost or destroyed, a replacement certificate for the same legal services may be issued bearing the same date as the one lost or destroyed. R.R.O. 1970, Reg. 557, s. 55.

58.—(1) Where it appears to an area director that the legal aid applied for can be rendered more conveniently and economically by a solicitor in another area, or for any other reason he deems proper, he may send to the area director of the other area the application, the assessment officer's report and the agreement of the applicant to pay the contribution, if any, in accordance with the report.

(2) The other area director referred to in subsection (1), may issue his certificate to the applicant in accordance with the application and other material received under subsection (1) and shall act and proceed as if the application had been made to him by the applicant in the first instance. R.R.O. 1970, Reg. 557, s. 56.

59. A certificate may be issued retroactively by an area director to a person eligible under this Regulation for legal aid to whom a solicitor has rendered

legal services upon the area director being satisfied that it is just and proper to do so. R.R.O. 1970, Reg. 557, s. 57.

60.—(1) Where a certificate has been issued for a proceeding coming within clause 12 (a), (b), (c) or (f) of the Act, no civil proceeding may be taken under such certificate until the solicitor accepting it has furnished to the area director his written opinion that it is reasonable under all the circumstances for him to commence, defend or continue the proceeding and the area director has authorized him to proceed.

(2) Where the initial step in the proceeding is required by any statute, rule of law or practice to be taken immediately if the rights of the applicant are to be preserved, the solicitor may take the initial step but shall not take any further step until he has furnished the opinion required by subsection (1). R.R.O. 1970, Reg. 557, s. 58.

61. Where a solicitor has ceased to act for a client or a client desires to change his solicitor, the area director shall be so notified by both the solicitor and client concerned. R.R.O. 1970, Reg. 557, s. 59.

62. Where an area director determines that a certificate issued by him ought to be amended, a further certificate shall be issued showing on its face that it replaces and amends the certificate previously issued and he shall send it in triplicate to the client's solicitor who shall complete and sign the triplicate copy of the amended certificate and return it and the replaced certificate forthwith to the area director. R.R.O. 1970, Reg. 557, s. 60.

63. Where a solicitor has ceased to act for a client and the legal aid for which a certificate was issued has not been completed, the client may apply to the area director for a new certificate. R.R.O. 1970, Reg. 557, s. 61.

64. Where a solicitor has ceased to act for a client, or has completed the services to be performed by him, he shall forthwith,

(a) report to the area director in writing in Form 10 or Form 11;

(b) submit his account under Part IV; and

(c) deliver to the client or to whom the client directs a copy of the report required by clause (a) and, upon obtaining a receipt therefor, all papers, documents and other property of the client in his possession. R.R.O. 1970, Reg. 557, s. 62.

DISCHARGE AND REVOCATION OF CERTIFICATES

65. A certificate is deemed to be discharged when,

- (a) the client requests the area director to discharge it or the claim or proceedings have been fully disposed of by judgment or settlement;
- (b) except to the extent that the Legal Accounts Officer otherwise directs, the solicitor has taxed any costs awarded to the client and has made all reasonable efforts to collect the amount of any award and taxed costs, including as may be necessary, the filing of a writ of execution with the sheriff and obtaining his return thereto and examining the judgment debtor and filing a transcript of such examination with the area director;
- (c) where the client is entitled to recover any money or property under a judgment, order or settlement, the solicitor has notified in writing the person from whom such money or property is recoverable and his solicitor, if any, that,
 - (i) the costs payable to the client are the property of the Law Society under section 19 of the Act; and
 - (ii) the Law Society has a charge under subsections 17 (2) and (3) of the Act and until such charge has been released no money shall be paid or property released on account of the judgment, order or settlement; and
- (d) the solicitor has been paid his fees and disbursements. R.R.O. 1970, Reg. 557, s. 63.

66.—(1) Subject to section 67, where an area director has issued a certificate and thereafter ascertains that,

- (a) in his opinion,
 - (i) the matter is one that comes within section 41,
 - (ii) it appears from a report of an assessment officer that the client is to pay in full for the legal aid authorized, or
 - (iii) the client no longer has reasonable grounds for continuing the proceedings authorized by his certificate;
- (b) the client has failed without reasonable justification in any obligation to the Law Society with respect to legal aid; or
- (c) the client has requested the area director to cancel the certificate and the area director, having regard to all the circumstances, is of the opinion that such cancellation will not be detrimental to the Fund,

he may cancel the certificate. R.R.O. 1970, Reg. 557, s. 64; O. Reg. 224/72, s. 3 (1).

(2) Where a certificate has been cancelled under clause (1) (c), the area director may in his discretion cause the date of cancellation to be retroactive to the date that the certificate was issued. O. Reg. 224/72, s. 3 (2).

67.—(1) No certificate shall be cancelled under clause 66 (a) or (b) until a notice in writing in Form 14 has been served on the client and his solicitor, affixing a place and time, not less than seven days after the mailing of the notice, at which the client may show cause why the certificate should not be cancelled.

(2) If a certificate is cancelled by an area director under clause 66 (a) or (b) he shall give written notice of cancellation in Form 15 forthwith to the client and to his solicitor.

(3) If a certificate is cancelled by an area director under subsection 66 (2), he shall give written notice of cancellation in Form 33 forthwith to the client and to his solicitor. O. Reg. 224/72, s. 4.

68. Where any circumstances come to the attention of a solicitor that indicate that his client may not have been entitled to or may no longer be entitled to the certificate under which the solicitor is acting, the solicitor shall forthwith report such circumstances to the area director. R.R.O. 1970, Reg. 557, s. 66.

69.—(1) Where an area director has issued a certificate and thereafter ascertains that in his opinion,

- (a) the client is able to pay some part of the legal aid authorized by the certificate; or
- (b) it is proper that the client pay a greater or lesser part of the cost of the legal aid than that provided in the certificate,

he may amend the certificate and require the client to sign an agreement to pay to the Law Society the amount so ascertained.

(2) No certificate shall be amended under this section until a notice in writing in Form 23 has been served on the client and his solicitor fixing a place and time, not less than seven days from the mailing of the notice, at which the client may show cause why the certificate should not be amended.

(3) If a client fails or refuses to sign the agreement to pay in accordance with the amended certificate within five days after the time fixed in subsection (2), to show cause, the area director may cancel the certificate. R.R.O. 1970, Reg. 557, s. 67.

DUTY COUNSEL

70. Panels of duty counsel may be established by area directors in their areas. R.R.O. 1970, Reg. 557, s. 68.

71. Where a person has been taken into custody or summoned and charged with an offence, he may obtain before any appearance to the charge the assistance of duty counsel who shall,

- (a) advise him of his rights and take such steps as the circumstances require to protect his rights, including representing him on an application for remand or adjournment or for bail or on the entering of a plea of guilty and making representations with respect to sentence where a plea of guilty is entered; and
- (b) perform such duties in connection with criminal appeals, including the completion of Forms 27 and 28 by the appellant, and including applications for bail with respect thereto as the Director may prescribe. R.R.O. 1970, Reg. 557, s. 69.

72. Every duty counsel during each period of duty shall prepare and submit daily to the area director a report in Form 12 or Form 13 on each person assisted. R.R.O. 1970, Reg. 557, s. 70.

73. Except in an area or part of an area exempted from this section by the Legal Aid Committee and subject to section 74, unless with the prior approval of the Director, no duty counsel or any person associated with him in the practice of law shall knowingly act in the same matter for a person whom he has represented or advised as duty counsel. R.R.O. 1970, Reg. 557, s. 71.

74. In any area or any part of an area not exempted for the purpose of section 73, where a duty counsel certifies in writing in Form 16 to the area director that a prior solicitor and client relationship existed between a person and himself or anyone associated with him in the practice of law, he or anyone so associated with him may act subsequently for such person if so required. R.R.O. 1970, Reg. 557, s. 72.

75. An area director may designate one or more duty counsel to assist him in the operation of his office and in carrying out the provisions of this Regulation in civil matters, in addition to the duties prescribed by section 71. R.R.O. 1970, Reg. 557, s. 73.

STUDENT LEGAL AID SOCIETIES

76. A dean may apply to the Legal Aid Committee for its approval of the establishment and operation of a student legal aid society for law students in his law course, and such application shall contain all matters and be in such form as may from time to time be prescribed by the Legal Aid Committee. R.R.O. 1970, Reg. 557, s. 74.

77. The approval of the Legal Aid Committee to an application under section 76 shall be limited to the specific matters and functions set forth in the application, and the approval referred to in section 76 may be varied or withdrawn at any time by the Legal Aid

Committee in its sole discretion upon the notice to the dean concerned. R.R.O. 1970, Reg. 557, s. 75.

78. A dean shall have control and supervision of the student legal aid society of his law course and its members, and without limiting the generality of the foregoing, may in his sole discretion,

- (a) restrict the functions of such society and its members;
- (b) terminate the operations of such society, either temporarily or permanently;
- (c) prescribe the minimum qualifications of a law student for membership in such society and the extent of participation from time to time of each member of such society; and
- (d) remove a law student from membership in such society, either temporarily or permanently, with power of reinstatement, and a dean shall so remove a law student from membership upon the request of the Legal Aid Committee and shall not thereafter reinstate such law student without the prior approval of the Legal Aid Committee. R.R.O. 1970, Reg. 557, s. 76.

79. An area director may,

- (a) arrange with a student legal aid society in his area for assistance to duty counsel and panel solicitors in rendering legal aid services; and
- (b) where for other than financial reasons a person has been refused a legal aid certificate in a matter under section 13 of the Act, refer such person in respect of such matter to a student legal aid society in his area having requisite approval to deal therewith. R.R.O. 1970, Reg. 557, s. 77.

80. Subject to section 77, a law student who has successfully completed one year of his law course and is a member of its legal aid society, may, with the approval of his dean, represent and appear on behalf of a person who has been referred to such society by an area director, provided he has the consent of such person and is entitled in law so to appear. R.R.O. 1970, Reg. 557, s. 78; O. Reg. 224/72, s. 5.

ARTICLED STUDENTS

81. Subject to section 82, an articulated student shall not participate in legal aid unless prior thereto he has filed with the area director of his area,

- (a) the written approval of his principal to such participation; and
- (b) a written acknowledgment of his principal and himself that his participation will be

under the general supervision and control of the principal and within the scope of such approval. R.R.O. 1970, Reg. 557, s. 79.

82. Nothing in this Regulation shall interfere with an articulated student participating in legal aid on behalf of and under the supervision of his principal or on behalf of and under the supervision of a barrister and solicitor who is a partner or employee of his principal's firm. R.R.O. 1970, Reg. 557, s. 80.

83. Subject to section 81, an area director may,

- (a) arrange with an articulated student in his area for assistance to duty counsel and panel solicitors in rendering legal aid services; and
- (b) where for other than financial reasons a person has been refused a legal aid certificate under section 13 of the Act, refer such person in respect of such matter to an articulated student in his area having requisite approval to deal therewith. R.R.O. 1970, Reg. 557, s. 81.

84. Subject to section 81, an articulated student with the approval of his principal may represent and appear on behalf of a person who has been referred to him by an area director, provided he has the consent of such person and is entitled in law so to appear. R.R.O. 1970, Reg. 557, s. 82.

FALSE STATEMENTS BY APPLICANTS

85. Where it appears that a client has made a false statement or has concealed information in connection with his application, any certificate issued to him may be cancelled by the area director and the Director may declare that the legal aid so given was not given under the Act and this Regulation and shall so inform in writing the client and his solicitor, and thereupon the Law Society on behalf of the Fund shall be entitled to recover from the client the amount that is has paid or is obligated to pay from the Fund to the solicitor. R.R.O. 1970, Reg. 557, s. 83.

86. If it appears that an offence punishable under the *Criminal Code* (Canada) or any other statute has been committed by an applicant in applying for or by a client in receiving legal aid under the Plan, the Director or area director may refer the matter to the Crown Attorney or other appropriate authority. R.R.O. 1970, Reg. 557, s. 84.

EMPLOYMENT OF COUNSEL

87.—(1) Where in the opinion of a solicitor acting for a client the matters or proceedings for which legal aid has been authorized require the assistance of counsel, he may apply in writing to the area director for authority to employ counsel.

(2) An application referred to in subsection (1) shall state,

- (a) the extent of the services to be performed by counsel; and
- (b) the reasons such services are required,

and the area director shall submit the application with his recommendation thereon to the area committee for its consideration.

(3) Authority to employ counsel shall only be granted if and to the extent approved by the area committee and shall be in writing signed by the area director and shall specify the extent of the services to be performed by counsel thereunder.

(4) Where authority has not been granted to employ counsel at trial or on the hearing of an appeal, a solicitor acting for a client with respect thereto may, with the prior written approval of the Legal Accounts Officer, employ junior counsel to attend at such trial or the hearing of such appeal to assist him as counsel.

(5) Counsel may be selected from any legal aid panel but shall not be a person associated in the practice of law with the solicitor employing him.

(6) Where authority has been granted to employ counsel at trial or on the hearing of an appeal, the solicitor employing such counsel may, with the prior written approval of the Legal Accounts Officer, attend at such trial or the hearing of such appeal to assist counsel. R.R.O. 1970, Reg. 557, s. 85.

88.—(1) The fees payable to counsel shall be limited to those for the services performed within the authority referred to in subsection 87 (3), and shall be in accordance with the schedules of fees to this Regulation.

(2) Except as otherwise specifically provided in the schedules of fees to this Regulation, the fees for attending at trial or on the hearing of an appeal payable to a junior counsel or solicitor authorized to attend under subsection 87 (4) or (6) shall be one-third of the counsel fee payable therefor in accordance with the schedules of fees to this Regulation. R.R.O. 1970, Reg. 557, s. 86.

89.—(1) Where on the hearing of an appeal in the Supreme Court of Canada or the Court of Appeal for Ontario by a convicted person or by the Attorney General, the appellant or the respondent, as the case may be, is not represented by counsel and the court is of the opinion that it is desirable, in the interests of justice, that the appellant or respondent should be represented by counsel, the Director, on the request of the court, may appoint counsel for that purpose, where the Director is satisfied that such appellant or respondent has not sufficient means to employ counsel.

(2) Every counsel appointed under subsection (1) shall be paid his fees and disbursements in accordance with the Act and this Regulation pursuant to the certificate of the Legal Accounts Officer. R.R.O. 1970, Reg. 557, s. 87.

SERVICE OF DOCUMENTS

90.—(1) Any written notice or other document directed or permitted to be served on an applicant or client may be served by prepaid registered mail addressed to such person at his address last known to the area director.

(2) Any written notice or other document directed or permitted to be served on a solicitor may be served by prepaid mail addressed to him at his office or by delivering the notice or other document to his office. R.R.O. 1970, Reg. 557, s. 88.

SOLICITORS

91. The customary solicitor and client relationship shall exist between a solicitor and his client. R.R.O. 1970, Reg. 557, s. 89.

92. No area director, duty counsel or official or employee of the Law Society engaged in carrying out duties under the Plan shall suggest or recommend to any person any member of the legal profession as being suitable to act for him in any matter or proceeding. R.R.O. 1970, Reg. 557, s. 90.

PART III

REPORTS AND FINANCIAL

93. At the request of the Director or area director a solicitor who has undertaken to render legal aid shall provide such information as the Director or area director may require. R.R.O. 1970, Reg. 557, s. 91.

94. Every area director shall keep such accounting and other records as the Director may require. R.R.O. 1970, Reg. 557, s. 92.

95. Every area director shall report weekly to the Director in such form as the Director may prescribe,

- (a) the name and address of each person to whom a certificate has been issued;
- (b) the amount that each person to whom a certificate has been issued is required to contribute to the Fund and the terms of payment;
- (c) the amount of the contributions received and by whom paid; and
- (d) such further and other information as the Director may require. R.R.O. 1970, Reg. 557, s. 93.

96. Each area director shall report to the Director in such form as the Director requires not later than the 10th day of April in each year on the business and finances of his office for the preceding year ending on the 31st day of March. R.R.O. 1970, Reg. 557, s. 94.

97.—(1) The accounts and transactions of the Fund that shall be kept by the Law Society shall include,

- (a) all cash receipts and disbursements;
- (b) all cash advances made to area directors;
- (c) all cash advances made to solicitors and counsel on account of costs and disbursements payable under certificates;
- (d) all certificates issued;
- (e) all solicitors' accounts received and approved;
- (f) all accounts receivable, including,
 - (i) amounts of clients' contributions, and
 - (ii) amounts recoverable by clients under judgments or settlements;
- (g) all administrative expenses, including,
 - (i) salaries, wages and other remunerations and deductions therefrom,
 - (ii) travelling and out-of-pocket expenses of the Treasurer, benchers, members of committees and administrative staff,
 - (iii) the cost of maintenance of office accommodation and operation, including stationery and printing, maintenance of furniture and equipment, communications and rentals, and
 - (iv) the cost of acquisition of furniture and equipment; and
- (h) an inventory of property, furniture and equipment.

(2) The Director shall report to the Legal Aid Committee each month for the preceding month, in summary form,

- (a) the amount received under section 7 of the Act;
- (b) the amount received for or on account of contributions required to be made to the Fund;

- (c) the amount received on account of amounts recovered by clients;
- (d) the amount expended for the costs of administration and operation of the Plan;
- (e) the balance on hand and on deposit to the credit of the Fund;
- (f) such other information as the Legal Aid Committee may from time to time require; and
- (g) such other information as the Director from time to time considers advisable. R.R.O. 1970, Reg. 557, s. 95.

98. The Director shall report to the Legal Aid Committee not later than the 1st day of May in each year for the preceding year in summary form,

- (a) the number of applications for legal aid received and certificates issued;
- (b) the number of persons assisted by duty counsel;
- (c) the amount received by way of contributions;
- (d) the amount written off as uncollectable;
- (e) the amount received on account of amounts recovered by clients;
- (f) the amount received upon requisition from the Treasurer of Ontario;
- (g) amounts paid under clauses 5 (2) (b), (c) and (d) of the Act;
- (h) amounts paid under clauses 5 (2) (a) and (e) of the Act;
- (i) the balance, if any, in the Fund on the 31st day of March after making provision for all outstanding accounts payable; and
- (j) any other information required by the Legal Aid Committee. R.R.O. 1970, Reg. 557, s. 96.

BANKING

99.—(1) All money paid to or received in respect of the Fund shall be deposited forthwith in an account in a chartered bank, loan or trust company, or in a Province of Ontario Savings Office, to be designated by the Legal Aid Committee.

(2) Every payment out of the Fund shall be made by a cheque drawn on the account referred to in sub-

section (1) and in accordance with the provisions of subsection (3).

(3) The signing officers for the Fund's bank account shall be any two of the Director, Controller and such other persons as the Legal Aid Committee may from time to time designate.

(4) The Law Society may authorize the signatures of one or both signing officers to be printed, engraved, lithographed or otherwise mechanically reproduced in facsimile upon cheques drawn on the Fund for payment of outstanding accounts and indebtedness and every such facsimile signature shall for such purpose be deemed to be the signature of the person whose signature it reproduces and binding on the Law Society.

(5) A client's contributions to the legal aid costs shall be paid into the Fund in accordance with his agreement with the Law Society as set out in the certificate.

(6) The Director, with the approval of the Attorney General, may from time to time authorize the destruction of paid and cancelled cheques. R.R.O. 1970, Reg. 557, s. 97.

100.—(1) Where a sufficient amount was not provided in the approved estimates and the public interest or the urgent requirements of the Fund necessitate further payments, the Attorney General upon the report of the Director as to the necessity of further payments and stating the reasons that the appropriation is insufficient and the amount estimated to be required, shall make application to the Management Board of Cabinet for an order authorizing payments to be made against such amount as he considers proper, under the provisions of section 5 of the *Management Board of Cabinet Act*.

(2) Subject to the approval of the Attorney General, the Legal Aid Committee upon the recommendation of the Director may from time to time authorize the writing off as uncollectable any amount payable by a client or any other person to the Law Society for the Fund. R.R.O. 1970, Reg. 557, s. 98.

PART IV

SOLICITORS' REMUNERATION

DUTY COUNSEL AND LEGAL AID SOLICITORS' ACCOUNTS

101. Subject to sections 104 and 160, a solicitor who has provided legal aid authorized by the Act and this Regulation shall be paid the amount of his account as settled by the Legal Accounts Officer under section 22 of the Act and Schedules 2, 3, 4, 5, 6 and 7 of this Regulation. R.R.O. 1970, Reg. 557, s. 99; O. Reg. 224/72, s. 6.

102.—(1) A solicitor who has provided services pursuant to a certificate and has completed such

services or has ceased to act shall submit forthwith to the Legal Accounts Officer,

- (a) an account in duplicate of his fees and disbursements showing the date upon which each item of service was performed, one copy of which shall bear the following certificate signed by him:

"I certify that the legal aid herein was rendered by me or by such other named person as is specifically stated herein and that the disbursements set out herein were paid or liability therefor incurred and they were necessary and proper."

- (b) the certificate issued to the client;
- (c) any other written authorization for legal services or the expenditure of money;
- (d) the accounts of any agent or counsel engaged, prepared in accordance with this Regulation, certified in accordance with clause (a);
- (e) a copy of his report under section 64;
- (f) where prior to the issue of the certificate the solicitor was employed by the client to perform any services with respect to the same matter, a detailed statement of the services rendered by the solicitor and any disbursements made by him prior to the issue of the certificate and a statement of any payment made by the client to the solicitor on account of his fees and disbursements; and
- (g) such further or other supporting material as may be required by the Legal Accounts Officer.

(2) A solicitor referred to in subsection (1) shall, at the same time as he is submitting the material required by subsection (1) submit,

- (a) a copy of his account, referred to in clause (1) (a), to the area director and to the client; and
- (b) a copy of the material referred to in clause (1) (f), to the client. R.R.O. 1970, Reg. 557, s. 100.

103. Subject to section 104, a solicitor acting as duty counsel after performing his duties, shall forthwith submit to the area director his account in duplicate of the times during which and the places at which he was engaged as duty counsel and any claim for travelling expenses, and the area director after settling and approving such account shall transmit it to the Director for payment out of the Fund. R.R.O. 1970, Reg. 557, s. 101; O. Reg. 224/72, s. 7.

104.—(1) Subject to subsection (3), where a solicitor submits an account to the Legal Accounts Officer under section 102 more than six calendar months after the completion of the services covered by the account, there shall be no liability for payment of the account, and the Legal Accounts Officer shall not settle the account but shall return the account promptly to the solicitor with an appropriate reference to this section.

(2) Subject to subsection (3), where a solicitor submits an account to an area director under section 103 more than six calendar months after the completion of the services covered by the account, there shall be no liability for payment of the account, and the area director shall not settle or approve the account but shall return the account promptly to the solicitor with an appropriate reference to this section.

(3) Notwithstanding subsections (1) and (2), the Director, in his discretion may extend the time during which a solicitor's account may be submitted under section 102 or 103. O. Reg. 224/72, s. 8.

105. The schedule of fees and disbursements in Schedules 2, 3, 4, 5, 6 and 7 to this Regulation shall constitute the fees and disbursements for legal aid authorized by the Act subject to the reduction provided for in respect thereof under section 22 of the Act. R.R.O. 1970, Reg. 557, s. 102.

COUNSEL AND SOLICITORS' FEES AND DISBURSEMENTS

106. An account submitted under section 102 shall set out in reasonable detail the services rendered and where appropriate the time actually spent, together with the fees and disbursements sought in accordance with the appropriate schedules of fees and disbursements to this Regulation, for each item of work done. R.R.O. 1970, Reg. 557, s. 103.

107. Disbursements shall be allowed only in accordance with Schedule 7. R.R.O. 1970, Reg. 557, s. 104.

108.—(1) A solicitor who is providing legal aid pursuant to a certificate and has incurred proper out-of-pocket disbursements totalling in excess of \$50 under that certificate, may apply to the Legal Accounts Officer for reimbursements from time to time prior to the submission of his account under section 102.

(2) An application under this section shall set out a detailed statement of the disbursements for which reimbursement is sought and shall bear the following certificate signed by the solicitor:

"I certify that the disbursements set out herein have been paid or liability therefor incurred and they were necessary and proper and that I have

not heretofore received any reimbursement for any of them." O. Reg. 224/72, s. 9.

SETTLEMENT OF LEGAL ACCOUNTS AND APPEALS

109. Each account submitted under section 102 shall be examined, settled and approved for payment by the Legal Accounts Officer in accordance with this Regulation. R.R.O. 1970, Reg. 557, s. 106.

110. The Legal Accounts Officer may disallow in whole or in part fees for,

- (a) proceedings,
 - (i) unreasonably taken or prolonged,
 - (ii) not calculated to advance the interests of a client, or
 - (iii) incurred through negligence;
- (b) preparing any document that is improper, unnecessary or of unreasonable length; or
- (c) preparation that is unreasonable in its nature, scope or time expended. R.R.O. 1970, Reg. 557, s. 107.

111. Where the Legal Accounts Officer has settled an account he shall forthwith send to the solicitor who rendered it the duplicate copy thereof and a notice of settlement of account in Form 26, showing the disposition he has made of the items therein and certifying the amount at which it is settled and the amount thereof payable under section 22 of the Act. R.R.O. 1970, Reg. 557, s. 108.

112. A solicitor who is dissatisfied with the settlement of his account may apply for a review thereof by the Legal Accounts Officer who shall review his settlement and amend or confirm his certificate and so inform the solicitor. R.R.O. 1970, Reg. 557, s. 109.

113. Every application for a review of the settlement of an account shall be in writing and shall set out the items objected to and the grounds of the objection and shall be made to the Legal Accounts Officer not later than ten days after the date of his certificate. R.R.O. 1970, Reg. 557, s. 110.

114. A solicitor who is dissatisfied with,

- (a) a review made by the Legal Accounts Officer with respect to,
 - (i) the interpretation or application of Part IV and Schedule 2, 3, 5 or 6, or
 - (ii) the principles upon which the Legal Accounts Officer has exercised his discretion in settling any account; or

(b) the determination of costs under section 131,

may appeal therefrom to the Taxing Officer. R.R.O. 1970, Reg. 557, s. 111.

115. An appeal under section 114 shall be commenced by the service of a notice of appeal in Form 22 upon the Director within ten days after the mailing of the decision of the Legal Accounts Officer, and such notice may be given by personal service or by prepaid mail addressed to the Director at his office. R.R.O. 1970, Reg. 557, s. 112.

116. After service of the notice of appeal, referred to in section 115, the solicitor shall obtain an appointment from the Taxing Officer for the hearing of the appeal and give at least ten days notice thereof to the Director. R.R.O. 1970, Reg. 557, s. 113.

117. The solicitor and the Director may appear on the hearing of the appeal in person or by counsel. R.R.O. 1970, Reg. 557, s. 114.

118.—(1) The decision of the Taxing Officer shall be evidenced by his certificate in Form 25 issued to the solicitor and to the Director.

(2) If the solicitor or the Director is dissatisfied with the decision of the Taxing Officer, the solicitor or the Director, as the case may be, may appeal from the Taxing Officer's certificate to a judge of the Supreme Court at Toronto, and the practice on the appeal shall be the same as upon an appeal from an order made by the Master of the Supreme Court. R.R.O. 1970, Reg. 557, s. 115.

119. The Director shall submit to the Legal Accounts Officer,

- (a) the Taxing Officer's certificate when the time for appealing therefrom has elapsed and no appeal has been taken; or
- (b) when an appeal has been taken from the Taxing Officer's certificate and the appeal has been disposed of, the Taxing Officer's certificate as affirmed or varied on the appeal,

and upon receipt of the Taxing Officer's certificate the Legal Accounts Officer shall amend or confirm his certificate accordingly and so inform the solicitor. R.R.O. 1970, Reg. 557, s. 116.

120. Where the Legal Accounts Officer is satisfied that the solicitor has duly performed all his duties under sections 65 and 131 and that,

- (a) the account has been settled at not less than the amount for which it was rendered;
- (b) the time for applying for a review of the settlement of the account has elapsed and no application for review has been received;

(c) the time for appealing from a review by him has elapsed and no appeal has been taken; or

(d) all appeals from or with respect to the review by him have been disposed of and section 119 has been complied with,

the Legal Accounts Officer shall submit his certificate, or his certificate as it is finally amended, as the case may be, together with the solicitor's account, to the Controller for payment forthwith out of the Fund pursuant to the certificate. R.R.O. 1970, Reg. 557, s. 117.

PART V

APPEALS

APPEALS UNDER SECTION 14 OF THE ACT

121. An appeal to the Director under subsection 14 (4) of the Act shall be commenced by the service on the Director, within seven days after delivery of notice of refusal to issue a certificate, of a notice of appeal in Form 17 or in such other written form as the Director may accept. R.R.O. 1970, Reg. 557, s. 118.

122.—(1) The Director shall determine the appeal with all due dispatch and may for this purpose conduct such inquiry as in his opinion is necessary.

(2) The Director shall forthwith notify the appellant and the area director of his decision in Form 18. R.R.O. 1970, Reg. 557, s. 119.

APPEALS UNDER SECTION 16 OF THE ACT

123. An appeal to the area committee under subsection 16 (10) of the Act shall be commenced by giving to the area director within ten days after the delivery of the notice of refusal to issue a certificate or notice of cancellation of a certificate, a notice of appeal in Form 19 or in such other written form as the area committee may accept. R.R.O. 1970, Reg. 557, s. 120.

124. Notice in writing of the time and place of the hearing in Form 20 shall be given by the area director to the appellant and to his solicitor, if any, not less than five days before the hearing of the appeal. R.R.O. 1970, Reg. 557, s. 121.

125. On the hearing of an appeal the area committee shall consider all relevant information, including any written submissions and may hear the area director, the appellant in person or by his solicitor or representative and any other person the area committee considers advisable, and shall determine the appeal. R.R.O. 1970, Reg. 557, s. 122.

126. Notice of the area committee's decision shall forthwith be given in writing by the area director

to the appellant in Form 21. R.R.O. 1970, Reg. 557, s. 123.

127. Notices required to be given under this Part may be given by personal service or by prepaid mail addressed to the Director or area director at his office and to the appellant at the address shown in his application or at that of the solicitor, if any, acting for him on the appeal. R.R.O. 1970, Reg. 557, s. 124.

PART VI

RECOVERIES UNDER AWARDS AND SETTLEMENTS

128. The solicitor acting for a client in any matter or at a trial or on a settlement of an action or proceeding may, with the prior approval of the Director or the Legal Accounts Officer agree to,

- (a) waive the right to costs;
- (b) accept a lesser fixed sum for costs; or
- (c) consent to the amount at which costs are to be taxed. R.R.O. 1970, Reg. 557, s. 125.

129. The solicitor acting for a client who effects any settlement on behalf of the client entitling the client to recover any money or other property shall forthwith inform the Legal Accounts Officer of the detailed terms of the settlement. R.R.O. 1970, Reg. 557, s. 126.

130.—(1) Where a client recovers or is entitled to any money or other property by way of judgment, order or settlement,

- (a) the party and party costs in favour of the client if not determined by taxation pursuant to a judgment or order may be agreed upon by the parties with the approval of the Legal Accounts Officer and failing such agreement and approval such costs may be determined by the Legal Accounts Officer for the purpose of ascertaining the amount for costs to be paid into the Fund and all such costs recovered shall be paid into the Fund by the solicitor for the client;
- (b) the costs for the services rendered by the solicitor shall, by agreement of the client and the solicitor with the approval of the Legal Accounts Officer, then be determined as between a client and his solicitor and failing such agreement the Legal Accounts Officer may require the taxation of such costs pursuant to the *Solicitors Act* and the amount by which the said costs exceed the party and party costs shall also be paid into the Fund unless the Director or the Legal Accounts Officer decides that under the circumstances no such payment need be made; and

- (c) where legal services have been rendered to a client prior to the issue of a certificate, the Legal Accounts Officer may determine the amount of the party and party costs referable to such services and certify the amount payable out of such costs to the client and to the Fund.

(2) Where a client does not recover any money or other property, the costs payable by the client shall not exceed the amount of his solicitor's account and any contributions by the client in excess of the amount of the solicitor's account shall be refunded to him. R.R.O. 1970, Reg. 557, s. 127.

131.—(1) Where the client is entitled to recover any money or other property under a judgment, order or settlement, unless the client has paid to the Fund the costs for the services rendered in accordance with this Regulation, the solicitor shall,

- (a) prior to payment to the client or to his order of any money recovered for him, pay to the Fund therefrom the said costs; or
- (b) prior to delivery to the client or to his order of any property, other than money, recovered for him or the title papers relating thereto, obtain from the client the execution and delivery of an appropriate instrument securing thereon the charge in favour of the Law Society or its nominee for the said costs, and shall register the instrument in the proper office and forward the duplicate original thereof with registration or filing notations thereon to the Director.

(2) A certificate of lien referred to in subsection 18 (1) of the Act shall be in Form 29.

(3) A certificate of discharge of lien referred to in subsection 18 (7) of the Act shall be in Form 30. R.R.O. 1970, Reg. 557, s. 128.

PART VII

PAYMENTS OF COSTS OF UNASSISTED PERSONS OUT OF THE FUND

132.—(1) Where proceedings have been taken or defended by a client and the costs thereof have been awarded by a court against him, he may apply to the Director for payment out of the Fund of the costs so awarded.

(2) Where the client refuses or fails to apply for payment within a reasonable time, the person to whom such costs are awarded may make such application. R.R.O. 1970, Reg. 557, s. 129.

133. The Director shall refer an application under section 132 to the Legal Aid Committee which shall

make such disposition thereof as to it appears just, including payment out of the Fund of the whole or any part of such costs. R.R.O. 1970, Reg. 557, s. 130.

134. The Legal Aid Committee may make such enquiries and hear such submissions with respect thereto as it considers advisable. R.R.O. 1970, Reg. 557, s. 131.

PART VIII

GENERAL

135. The Director may from time to time extend the time for doing any act or taking any proceeding under this Regulation and this function may be exercised although the application to extend is not made until after the expiration of the time prescribed. R.R.O. 1970, Reg. 557, s. 132.

COMPLAINTS

136. An area director who has received a complaint from a client that his solicitor has failed to carry out his professional duties properly shall make such investigation of the complaint as he considers necessary and may report the complaint and the results of his investigation to the Director. R.R.O. 1970, Reg. 557, s. 133.

137. An area committee receiving a complaint respecting any matter set forth in section 136 may refer it to the area director who may report the complaint and the results of his investigation to the Director. R.R.O. 1970, Reg. 557, s. 134.

138. The Director upon receiving any complaint from a client may refer it to the area director for such investigation and a report thereon as he may require. R.R.O. 1970, Reg. 557, s. 135.

139. The Director on receipt of a report under sections 136 to 138 may take such steps as he considers appropriate and may deliver the complaint, reports and the results of any investigation to the Law Society. R.R.O. 1970, Reg. 557, s. 136.

NON-DISCLOSURE OF INFORMATION

140.—(1) Subject to subsection (2), no information furnished by or about an applicant for or recipient of legal aid shall be disclosed other than as may be necessary for the proper performance by any person of his functions under the Act and this Regulation.

(2) The following information may be furnished or disclosed:

1. The fact that a person has applied for a certificate or that a certificate has been issued to a person.

2. The point an application for a certificate has reached in the administrative process. O. Reg. 536/76, s. 1.

LIMITATIONS ON REMUNERATION

141.—(1) No solicitor providing legal aid whether pursuant to a certificate or as a duty counsel shall receive or accept any fee, gratuity or other compensation of any kind with respect to such legal aid over and above the fees and disbursements provided.

(2) Subject to sections 73 and 74, unless with the prior approval of the Director, no solicitor providing legal aid as a duty counsel to a person may receive or accept any fee, gratuity or other compensation for any professional services rendered to such person in the matter or directly related to the matter for which legal aid as a duty counsel was provided. R.R.O. 1970, Reg. 557, s. 138.

NO REMUNERATION OF STUDENTS

142.—(1) No student providing legal aid shall receive or accept, directly or indirectly, any fee, gratuity or other compensation of any kind with respect to such legal aid.

(2) Subsection (1) does not apply to,

- (a) receipt of wages by an articulated student;
- (b) receipt of wages by any student employed under the Plan with the approval of the Legal Aid Committee; or
- (c) receipt of necessary disbursements by a student and out-of-pocket expenses, otherwise than from the Fund. R.R.O. 1970, Reg. 557, s. 139.

SOLICITOR'S LIEN

143. No solicitor has a lien for his fees, charges or expenses for legal aid upon the property or papers in his possession belonging to a client. R.R.O. 1970, Reg. 557, s. 140.

144. Nothing in this Part shall be deemed to deprive a solicitor of his lien on the property and papers in his possession for the fees, charges and expenses that the client was liable to pay to him for professional services rendered prior to the issuance of a certificate and not covered therein. R.R.O. 1970, Reg. 557, s. 141.

PART IX

COMMITTEES

FINANCIAL INFORMATION COMMITTEE

145. There shall be a Committee known as the Financial Information Committee composed of,

- (a) two members appointed by Convocation from the Legal Aid Committee of the Law Society; and
- (b) one member appointed by the Attorney General. O. Reg. 160/76, s. 1, *part*.

146. The Committee shall have power to advise and make recommendations regarding the financial operation of the Legal Aid Plan and, without restricting the generality of the foregoing, it may examine, report upon and make recommendations to the Law Society and the Attorney General with respect to such matters as,

- (a) Financial Control Systems;
- (b) Budgeting Procedures;
- (c) Auditing Procedures;
- (d) The Processing of Accounts; and
- (e) Record-keeping and other Administrative Procedures. O. Reg. 160/76, s. 1, *part*.

147. The Committee and any member of the Committee are empowered to obtain financial and administrative information required for its purposes, provided that such information is not privileged by law. O. Reg. 160/76, s. 1, *part*.

PART X

CLINIC FUNDING

148.—(1) In this Part,

- (a) "clinic" means an independent community organization providing legal services or paralegal services or both on a basis other than fee for service;
- (b) "clinic certificate" means a certificate referred to in section 153;
- (c) "Committee" means the Clinic Funding Committee referred to in section 149;
- (d) "community" includes a geographical community, persons who have a community of interest, and the general public;
- (e) "Convocation" means a regular or special meeting of the benchers of the Law Society convened for the purpose of transacting business of the Society;
- (f) "established clinic" means a clinic that has been funded under this Regulation for at least twenty-four successive months;

- (g) "staff" means employees assigned by Convocation for the purposes of the administration of this Part.

(2) In this Part, "funding" refers to the payment of funds to a clinic to enable the clinic to provide legal services or paralegal services or both, including activities reasonably designed to encourage access to such services or to further such services and services designed solely to promote the legal welfare of a community, on a basis other than fee for service. O. Reg. 391/79, s. 1, *part*.

149.—(1) The Clinic Funding Committee is continued.

(2) The Committee shall be composed of five members.

(3) Three members of the Committee shall be appointed by the Law Society and two members of the Committee shall be appointed by the Attorney General.

(4) At least one of the members appointed by the Law Society and one of the members appointed by the Attorney General must be persons who have been associated with a clinic.

(5) The chairman of the Committee shall be appointed by Convocation from time to time from the members of the Committee.

(6) Three members of the Committee, one of whom must be a member appointed by the Law Society and one of whom must be a member appointed by the Attorney General, constitute a quorum.

(7) The Committee is responsible to Convocation for the administration of this Part. O. Reg. 391/79, s. 1, *part*.

150.—(1) It is the function of the Committee, and it has power,

- (a) to direct the staff in the administration of this Part;
- (b) to establish policy and guidelines in respect of the funding of clinics;
- (c) to review and make recommendations to the Director in respect of applications for the funding of clinics, including such terms and conditions of funding as the Committee considers advisable;
- (d) to require clinics that have received funds to report to the Committee in respect of the use of the funds at such intervals and in such form and detail as the Committee may require;
- (e) to hear appeals from initial funding decisions by the staff;
- (f) to entertain a reference from the staff on any funding matter;

- (g) to hear and resolve any other dispute between a clinic and the staff that the Committee considers it appropriate to hear;
- (h) to determine its own practice and procedure in relation to hearings and appeals;
- (i) to direct the staff in assisting in the planning and development of clinics and the clinic system;
- (j) to direct the staff in the development of resource and training facilities for clinics;
- (k) to consult with clinics in the development of training programs and, where the Committee considers it advisable, to recommend funding for training programs conducted by clinics;
- (l) to recommend preliminary funding where the Committee considers such funding advisable to assist in the development of a new clinic;
- (m) upon application, to recommend such supplemental payments as the Committee considers advisable to any clinic for exceptional legal disbursements;
- (n) to require a clinic to provide the Committee with information in respect of any complaint between the clinic and a person provided with services by the clinic or a person affected by the services provided by the clinic and in respect of the disposition of the complaint, but the clinic may withhold any information that is confidential to any person to whom the clinic has been or is providing a service unless the person consents to such disclosure;
- (o) to perform any other action that, in the opinion of the Committee, is advisable for the efficient performance of its functions under this Part.

(2) The terms and conditions of funding that the Committee may recommend to the Director in respect of any clinic may include, but are not limited to, the following:

1. The clinic shall be under the direction of a community board of directors.
2. The clinic shall employ a solicitor in the work of the clinic.
3. The personnel of the clinic shall be trained to a standard approved by the Committee.

(3) For the purpose of verifying a report to the Committee by a clinic in respect of the use of funds, the Committee may require the clinic to give members of the Committee, members of the staff and agents of the Committee, or any of them, access to the premises of the clinic at any reasonable time and to all books, accounts, financial records, reports, files, papers and things, but

the clinic may withhold any of them that is confidential to any person to whom the clinic has been or is providing a service unless the person consents to such access.

(4) The failure of a clinic to report in accordance with a requirement under clause (1) (*d*) or (*n*) or to give access, except to confidential material, in accordance with a requirement under subsection (3), shall be deemed to be a contravention of a condition of the clinic certificate issued to the clinic. O. Reg. 391/79, s. 1, *part*.

151.—(1) An application for the funding of a clinic shall be made to the Director.

(2) The Director shall refer the application for funding to the staff.

(3) Upon receiving an application for funding, the staff,

(a) shall confer with the clinic and make an initial decision in respect of the application; or

(b) refer the application to the Committee and give notice of the referral to the clinic, together with written reasons therefor, and upon request by the clinic the Committee shall hold a hearing in respect of the application. O. Reg. 391/79, s. 1, *part*.

152.—(1) The staff or the Committee may require a clinic applying for funding to provide information in such form and detail as the staff or the Committee may require as to the organization, activities, methods of business, financial transactions and other information the staff or the Committee may consider relevant.

(2) Where the staff makes an initial decision that funding for an established clinic be refused or be reduced from the amount paid to the clinic in the previous year, the staff shall give notice of the decision to the clinic, together with written reasons and an appeal lies to the Committee.

(3) Where the staff makes an initial decision, other than a decision referred to in subsection (2) or a decision to recommend funding in the amount requested by a clinic, the staff shall give notice of the decision to the clinic together with written reasons, and with leave of the Committee an appeal lies to the Committee.

(4) The Committee may on its own motion hold a hearing into and review the initial decision of the staff in respect of any application for funding.

(5) The Committee shall make a recommendation to the Director in respect of every application for funding and there shall be no appeal from the recommendation. O. Reg. 391/79, s. 1, *part*.

153.—(1) Where the Committee recommends the issuance of a clinic certificate, the Director shall issue the certificate.

(2) The Director shall not issue a clinic certificate under subsection (1) without the approval of Convocation.

(3) Where the Committee has recommended that any condition must be complied with before a clinic certificate is issued, the Director shall not issue the certificate until the condition has been complied with.

(4) Where the Committee has recommended that a clinic certificate be made subject to any condition, the Director shall issue the certificate subject to the condition.

(5) The Director shall not issue a clinic certificate in respect of a fiscal period unless moneys have been designated for the purposes of this Part for the fiscal period.

(6) The Director may issue a clinic certificate to provide for funding in respect of a period before the issuance of the certificate.

(7) The Director shall not issue a clinic certificate to provide for funding for a period of more than one year. O. Reg. 391/79, s. 1, *part*.

154.—(1) Where proceedings have been taken or defended by a person with the aid of services provided by a clinic and the costs thereof have been awarded by a court against him, he may apply to the Director for payment of the costs so awarded out of the moneys designated for the purposes of this Part.

(2) Where the person against whom costs have been awarded refuses or fails to apply for payment within a reasonable time, the person to whom such costs are awarded may make the application.

(3) The Director shall refer an application under subsection (1) or (2) to the Committee and the Committee shall make such recommendation in respect of the disposition of the application as to it appears just, including payment in whole or in part out of the moneys designated for the purposes of this Part. O. Reg. 391/79, s. 1, *part*.

155.—(1) Where the Committee reports to the Director that a clinic has failed to abide by or has contravened a condition of a clinic certificate, the Director shall revoke the clinic certificate.

(2) Where the Committee finds that a clinic has failed to abide by or has contravened a condition of a clinic certificate, the Committee may so report to the Director.

(3) The Committee shall not make a finding under subsection (2) unless it has given notice of the proposal to the clinic, together with written reasons, and has provided to the clinic an opportunity to be heard by the Committee. O. Reg. 391/79, s. 1, *part*.

156. A clinic certificate authorizes the payment of the funds provided for in the certificate out of the

moneys designated for the purposes of this Part. O. Reg. 391/79, s. 1, *part.*

157. The Committee shall report to Convocation yearly on the functions of the Committee and the operation of this Part in the preceding year. O. Reg. 391/79, s. 1, *part.*

158. The Committee shall submit to Convocation each year an estimate of the moneys required for the purposes of this Part for the next year. O. Reg. 391/79, s. 1, *part.*

159. The moneys required for the purposes of this Part shall be paid out of the moneys designated by the Attorney General for the purposes of this Part. O. Reg. 391/79, s. 1, *part.*

PART XI

APPLICATION OF SCHEDULES

160. Schedules 2 to 7 of Regulation 557 of Revised Regulations of Ontario, 1970, as they existed on the 28th day of March, 1979, continue to apply in respect of services rendered under certificates issued before the 1st day of April, 1979. O. Reg. 189/79, s. 2.

Schedule 1

LEGAL AID AREAS

The following counties, territorial districts and judicial districts are designated as areas:

1. Algoma
2. Brant
3. Bruce
4. Cochrane
5. Dufferin
6. Durham
7. Elgin
8. Essex
9. Frontenac
10. Grey
11. Haldimand
12. Halton
13. Hamilton-Wentworth
14. Hastings and Prince Edward

15. Huron
16. Kenora
17. Kent
18. Lambton
19. Lanark
20. Leeds and Grenville
21. Lennox and Addington
22. Manitoulin and Sudbury
23. Middlesex
24. Muskoka
25. Niagara North
26. Niagara South
27. Nipissing
28. Norfolk
29. Northumberland
30. Ottawa-Carleton
31. Oxford
32. Parry Sound
33. Peel
34. Perth
35. Peterborough
36. Prescott and Russell
37. Rainy River
38. Renfrew
39. Simcoe
40. Stormont, Dundas and Glengarry
41. Timiskaming
42. Thunder Bay
43. Victoria and Haliburton
44. Waterloo
45. Wellington
46. York
47. York Region

R.R.O. 1970, Reg. 557, Sched. 1, *revised.*

Schedule 2
FEES IN CRIMINAL MATTERS

All fees in this Schedule are subject to increase or decrease in accordance with the provisions of Note A and Note F hereof, and all fees are subject to a reduction of 25 per cent in accordance with section 22 of the Act.

GROUP I

Indictable offences having a maximum punishment of life imprisonment under any statute of Canada, including an application for preventive detention under Part XXI of the *Criminal Code* (Canada), but not including offences under subsection 306 (1) of the *Criminal Code* (Canada) or section 4 of the *Narcotic Control Act* (Canada).

1. Preparation for preliminary hearing and trial, including interviews with accused and witnesses, per hour	\$ 48.00
Subject to the following:	
A maximum of eight hours preparation for each of the first two days of trial and a maximum of four hours preparation for each succeeding day of trial, but not more than,	
(a) first and second degree murder	40 hours
(b) attempted murder, manslaughter, rape, criminal negligence causing death, importing a narcotic	32 hours
(c) all other indictable offences punishable by a maximum of life imprisonment, including an application under Part XXI of the <i>Criminal Code</i> (Canada)	24 hours
2. Counsel fee at preliminary hearing, per day	\$240.00
3. Counsel fee at trial, per day	360.00

GROUP II

Indictable offences having a maximum punishment of more than two years but not more than fourteen years under any statute of Canada, offences under subsection 306 (1) of the *Criminal Code* (Canada) or section 4 of the *Narcotic Control Act* (Canada), an application for extradition, an application under the *Fugitive Offenders Act* (Canada) or an appeal to the Immigration Appeal Board.

4. Preparation for preliminary hearing and trial, including interviews with the accused and witnesses, per hour	\$ 42.00
Subject to the following:	
A maximum of six hours preparation for the first day of trial, four hours preparation for the second day of trial and a maximum of two hours preparation for each succeeding day of trial, but not more than,	
(a) indictable offences punishable by a maximum of fourteen years	18 hours
(b) indictable offences punishable by more than five years but not more than ten years	14 hours
(c) indictable offences punishable by more than two years but not more than five years, or an application for extradition or under the <i>Fugitive Offenders Act</i> (Canada) or an appeal to the Immigration Appeal Board	12 hours
5. Counsel fee at preliminary hearing, per day	\$200.00
6. Counsel fee at trial, per day	280.00

GROUP III

All indictable offences not mentioned in Groups I and II. All offences that may be prosecuted by either indictment or summary procedure, except offences under sections 234, 234.1, 235 and 236 of the *Criminal Code* (Canada). Summary offences having a maximum punishment greater than six months imprisonment plus a fine of \$500 —

- 7.—(1) Block fee for all services including bail hearings and bail reviews, preliminary hearing, adjournments, preparation and counsel fee at trial:
- (a) where the accused has no election under the *Criminal Code* (Canada),
 - (i) where the accused pleads not guilty or all charges are withdrawn \$300.00
 - (ii) where the accused pleads guilty 200.00
 - (b) where the accused has an election under the *Criminal Code* (Canada),
 - (i) where the accused pleads not guilty or all charges are withdrawn 600.00
 - (ii) where the accused pleads guilty 200.00
- (2) When an offence may be prosecuted by either indictment or summary procedure, the maximum punishment by indictment exceeds two years and the prosecutor proceeds by indictment, the solicitor is entitled to submit his account as if the offence were included in Group II and the matter shall then be treated as a Group II offence for the purpose of this Schedule.

GROUP IV

All summary and provincial offences punishable by a maximum of six months imprisonment plus a \$500 fine, offences under sections 234, 234.1, 235 and 236 of the *Criminal Code* (Canada) and appearances at deportation hearing before a special enquiry officer —

8. Block fee for all services, including bail hearings, bail reviews, adjournments, preparation and counsel fee at trial,
- (a) where the accused pleads not guilty or all charges are withdrawn \$250.00
 - (b) where the accused pleads guilty 150.00

Bail-pending trial for offences in Groups I and II —

9. Block fee for all services including application to a judge of the Supreme Court, preparation, drawing notice of motion, affidavits, attendances, justification by surety or sureties or entering into recognizance 250.00
10. Block fee for all services including preparation, attendance on a judicial interim release hearing where the prosecutor moves to show cause 125.00
11. Block fee for all services including a review of an order made by a justice of the peace or a judge, drawing notice of motion, preparation, affidavits, attendances, justification by surety or sureties, or entering into recognizance 250.00

Bail pending appeal on all indictable offences —

- 12.—(a) application to the Chief Justice of Ontario or other judge designated by him for admission to bail including drawing of notice of motion, affidavits, attendances incidental to the application, preparation of recognizance, execution thereof and justification of surety or sureties; or
- (b) on a review of an order made by the Chief Justice of Ontario or other judge designated by him, including drawing notice of motion, affidavits, attendances incidental to the review, preparation of recognizance, execution thereof and justification of surety or sureties,

a maximum of eight hours at the appropriate preparation rate under item 1 or 4.

Appeals to the Supreme Court of Canada in respect of all matters —

- | | |
|--|---------|
| 13. Drawing application for leave to appeal, notice of appeal, preparation of appeal case, including statement of points of fact and law and all other necessary preparation, per hour | \$48.00 |
|--|---------|

Subject to the maximums set out below:

Maximum preparation time allowed for preparation for leave to appeal	15 hours
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Maximum preparation time allowed for appeal	35 hours
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- | | |
|--|----------|
| 14. Counsel fee on application for leave to appeal, per day or portion thereof | \$360.00 |
|--|----------|

- | | |
|---|--------|
| 15. Counsel fee on appeal, per day or portion thereof | 480.00 |
|---|--------|

Appeals to the Court of Appeal with respect to indictable offences set out in Groups I and II —

- | | |
|--|-------|
| 16. Drawing and filing notice of appeal, preparation of the appeal book, statement of points of fact and law and all other preparation, per hour | 48.00 |
|--|-------|

Subject to the maximums set out below:

Where appeal is against sentence only	6 hours
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Where appeal is against conviction and sentence, or conviction alone	14 hours
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- | | |
|--|----------|
| 17. Counsel fee per day or portion thereof | \$360.00 |
|--|----------|

Appeals to the Court of Appeal with respect to indictable offences having a maximum punishment of two years as set out in item 7 —

- | | |
|---|-------|
| 18. Drawing and filing notice of appeal, preparation of the appeal book, statement of points of fact and law, and all other preparation, per hour | 42.00 |
|---|-------|

Subject to the maximums set out below:

Where appeal is against sentence only	6 hours
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Where appeal is against conviction and sentence, or conviction alone	14 hours
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- | | |
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| 19. Counsel fee per day or portion thereof | \$280.00 |
|--|----------|

Appeals to the Court of Appeal or the Divisional Court with respect to all summary conviction offences —

- | | |
|--|-------|
| 20. Drawing and filing notice of appeal, preparation of the appeal book, application for leave to appeal, application for bail pending appeal, preparation of statement of points of fact and law, and all other preparation, per hour | 42.00 |
|--|-------|

Subject to a Maximum of Six Hours

- | | |
|--|--------|
| 21. Counsel fee per day or portion thereof | 280.00 |
|--|--------|

Adjournments —

- | | |
|--|-------|
| 22. Attendance on any adjournment before a justice of the Supreme Court or a judge of a county or district court | 60.00 |
|--|-------|

- | | |
|--|-------|
| 23. Attendance on adjournment or consent order before a provincial court judge | 20.00 |
|--|-------|

Note: A solicitor is not entitled to a fee for more than one adjournment or consent order before the same judge during the same half day.

Appeal to a judge of a county or district court from a summary conviction—

24. Block fee for preparing for appeal and counsel fee on appeal, including recognizance or security, notice of appeal and statement of points of fact and law \$ 400.00

Appeals by way of stated case—

25. Application to a justice of the peace or provincial court judge to state case, including preparation of application, drafting case and service of application, attendance on justice of the peace or provincial court judge to enter into recognizance or application for bail, preparation and service of notice of appeal and stated case, per hour 42.00

SUBJECT TO A MAXIMUM OF SIX HOURS

26. Counsel fee on appeal, per day 280.00

Certiorari, Motion to Quash, Mandamus, Prohibition and Quo Warranto—

27. Block fee for all services including preparing, serving and filing notice of motion, affidavits and all other necessary material, preparation and counsel fee on hearing of the motion . 500.00
28. On applications for leave to appeal and appeals to the Court of Appeal, the same fees as under items 16 and 17.

Habeas Corpus—

29. Block fee for all services including preparing, serving and filing notice of motion, affidavits and all other necessary material, preparation and counsel fee on the hearing of the motion in the Supreme Court, applying for the writ of habeas corpus and the motion for discharge if the writ is granted, whether the application and the motion are heard on the same day or on different days 500.00

Proceedings and Prosecutions under the *Juvenile Delinquents Act* (Canada)—

30. Fees in respect of all matters other than appeals to be in the discretion of the Legal Accounts Officer who shall take into consideration the fees set out in this Schedule according to the circumstances out of which the proceedings or prosecution arose.

Appeals under the *Juvenile Delinquents Act* (Canada)—

31. Fees for the preparation and service of notice of application for leave to appeal to the Supreme Court and the Court of Appeal shall be in the discretion of the Legal Accounts Officer who shall allow a reasonable fee and in determining the fee properly payable in respect of the matter shall have regard to the fees payable under items 16 and 17.

Other matters—

- 32.—(1) The Legal Accounts Officer may allow a fee to a solicitor for the preparation of an opinion, for an additional opinion or for his attendance to make further submissions when requested by an area committee.
- (2) In any matter referred to in clause 14 (1) (c) of the Act the fee shall be in the discretion of the Legal Accounts Officer who shall have regard to the importance and difficulty of the work.
33. Where a solicitor travels from his office to a court for an appearance as counsel on behalf of his client, and where such travel is in excess of fifteen miles one way, the Legal Accounts Officer may, in his discretion, allow a fee for travelling at the rate of \$30 per hour if the appearance is for a purpose other than an adjournment, setting a date for a future appearance, or similar procedural matter. In exercising such discretion the Legal Accounts Officer shall have regard to the availability of a local agent where the court is located, the seriousness of the matter, the convenience of the client, whether the matter could have been handled by a solicitor's agent, and the time and duration of the travel. The fee allowed for travelling shall not exceed 30 per cent of the total fee settled by the Legal Accounts Officer for the services rendered.

34. In any criminal matter, proceeding, action or appeal, not dealt with by this Schedule, the Legal Accounts Officer shall allow a reasonable fee and in determining the fee properly payable in respect of the matter, proceeding, action or appeal, the Legal Accounts Officer shall have regard to this Schedule for comparable services.

NOTES

A. This Schedule is a legal aid tariff reflecting fees customarily paid by a client of modest means and except in unusual circumstances the fees provided for herein shall normally apply for the legal services covered thereby including block fees and maximum fees, but,

(a) such fees may be increased by the Legal Accounts Officer in those cases where in his opinion an increase is justified, having regard to all the circumstances including the nature of the offence charged, the complexity of the case, the result obtained and any other factor that would warrant an increased fee; and

(b) such fees may be decreased by the Legal Accounts Officer in those cases where in his opinion a decrease is appropriate,

(i) under the provisions of section 110 of the Regulation, or

(ii) where and to the extent that the fees charged exceed the amount of fees that would be taxed were the account of the solicitor for the legal aid services the subject of a taxation under the *Solicitors Act*.

B. The solicitor must prepare his account in accordance with this Schedule and must provide details of services rendered, including the date, time of day, length of time, description of service and by whom the service was rendered.

C. The Legal Accounts Officer may require proof and justification of all items included in an account, either by the production of docket entries or otherwise.

D.—(1) Where a solicitor represents two or more persons charged with the same offence or a similar offence arising out of the same occurrence, and where the trials, pleas of guilty or appeals are heard in the same court at approximately the same time, then, for the purposes of this Schedule, the solicitor is entitled to fees as for one client and to an increase of 40 per cent and such additional fees as may be appropriate in accordance with Note A.

(2) Where a solicitor represents a person charged with two or more offences, and the trials, pleas of guilty or appeals are heard in the same court at approximately the same time, then, for the purposes of this Schedule, the solicitor is entitled to fees as for one charge and such additional fees as may be appropriate in accordance with Note A.

(3) If an application for leave to appeal and the hearing of the appeal are heard at approximately the same time, the solicitor is entitled to fees for the appeal only.

E. Where a solicitor can readily ascertain that the services authorized by a certificate, in the specific circumstances of that case, are sufficiently unusual or unique that the maximum allowed by the tariff is clearly inadequate, he shall forthwith advise the area director and the Legal Accounts Officer of the details of the case and an estimate of the time and services required in his opinion. Failure of a solicitor to do so will be a factor in the settlement of the solicitor's account.

F.—(1) Where a solicitor certifies that he has the equivalent of four years of practice in criminal law, the basic hourly and *per diem* rates set out in the Schedule are subject to increase as follows:

	Basic rate	Increased to
per hour	\$ 48.00	\$ 54.00
per hour	42.00	46.00
per diem	360.00	405.00
per diem	280.00	315.00
per diem	240.00	270.00
per diem	200.00	250.00
per diem	480.00	540.00

- (2) Where a solicitor certifies that he has the equivalent of ten years of practice in litigation, including at least four years of practice in criminal law, the basic hourly and *per diem* rates set out in the Schedule are subject to increase as follows:

	Basic rate	Increased to
per hour	\$ 48.00	\$ 60.00
per hour	42.00	52.00
per diem	360.00	450.00
per diem	280.00	350.00
per diem	240.00	300.00
per diem	200.00	275.00
per diem	480.00	600.00

- (3) For the purpose of this Schedule, years of practice in criminal law or litigation are calculated by multiplying the total number of years in practice by the percentage of the solicitor's practice that is criminal law or litigation, as the case may be.

- G. Where a solicitor attends at court with his client to commence a preliminary hearing or trial on a date already fixed by the court, is required to wait more than one hour before his client's case is called by the court, and through no fault of the solicitor the preliminary hearing or trial is adjourned to another fixed date, the solicitor shall if the circumstances required him to wait, be paid a fee equal to one-half of the preparation rate applicable under items 1 or 4 to a maximum of three and one-half hours in lieu of any claim under items 22 and 23. O. Reg. 189/79, s. 1, *part*.

Schedule 3

FEES IN CIVIL MATTERS

All fees in this Schedule are subject to increase or decrease in accordance with the provisions of Note A and Note F hereof, and all fees are subject to a reduction of 25 per cent in accordance with section 22 of the Act.

All matters, proceedings, actions or appeals in the Supreme Court of Canada, Supreme Court of Ontario, Federal Court of Canada, Divisional Court, County or District Courts, Surrogate Court, Provincial Court (Family Division), Small Claims Court and Quasi-Judicial or Administrative Boards or Commissions—

In all matters, proceedings, actions or appeals in the Supreme Court of Canada, Supreme Court of Ontario, Federal Court of Canada, Divisional Court, Surrogate Court, proceedings under the *Family Law Reform Act* in a county or district court, appeals in a county or district court and quasi-judicial or administrative boards or commissions the hourly rate shall be \$48.

In all matters, proceedings, actions in a county or district court (other than proceedings under the *Family Law Reform Act*, and Provincial Court (Family Division) the hourly rate shall be \$42.

1. Preliminary interviews, advising and receiving instructions for the institution or defence of an action or a proceeding, including preparation and issuance of writ, notice of petition, third party notice, or summons to party added by counterclaim, appearance and correspondence

maximum of two and one-half hours

2. Preparation and delivery of all pleadings including petition, answer and counter-petition, affidavit of merits, demand and reply to demand for particulars, financial statement, statement of property and correspondence

maximum of four hours

3. (a) All services including preparation of notice to produce, affidavits on production, the production and inspection of documents, correspondence and preparation for discoveries

maximum of one hour for each hour of examination for discovery

- (b) Attendance on discovery

at the applicable hourly rate with a minimum allowance of one hour

4. Interlocutory Motions—

(a) uncontested or *ex parte* motions

all services, including preparation of notice of motion and affidavits, preparation, correspondence and attendance on motion, if required, and settling, issuing and entering the order

maximum of one and one-half hours

(b) contested motions

all services, including preparation of notice of motion and affidavits, preparation, correspondence and attendance on motion, and settling, issuing and entering the order

maximum of four hours

(c) (i) where examinations are held on affidavits, all services in connection therewith including preparation for examination and correspondence

maximum fee of one hour for each hour of examination

(ii) attendance on examination

at the applicable hourly rate with a minimum allowance of one hour

(d) application for leave to appeal

all services including preparation, correspondence and attendance on application for leave

maximum of three hours

(e) appeals

all services including preparation, correspondence, preparation of appeal book and statement of law and fact,

(i) to a judge alone in court or chambers

maximum of three hours

counsel fee per day \$280.00

(ii) to the Divisional Court or Court of Appeal

maximum of five hours

counsel fee per day 360.00

5. Passing record and setting action down for trial, preparing, serving and filing notice of trial . 30.00

6.— (a) Preparation for trial, including necessary correspondence, attendance at pre-trial conference and preparation during trial,

maximum of ten hours for each of the first two days of trial and five hours for each succeeding day of trial but not more than forty hours.

(b) Counsel fee in the Supreme Court of Ontario, Federal Court of Canada, Divisional Court, Surrogate Court and in proceedings under the *Family Law Reform Act*, in a county or district court

per day 360.00

(c) Counsel fee in a county or district court (other than proceedings under the <i>Family Law Reform Act</i>)	
per day	\$280.00
7. Adjournments or attendance at Assignment Court	60.00
Note: A solicitor is not entitled to a fee for more than one adjournment before the same judge during the same half day.	
8.— (a) All necessary matters subsequent to trial including correspondence, settling, issuing and entering judgment	
maximum of one hour	
(b) Preparation for and attendance on taxation of bill of costs, obtaining assignment of costs, correspondence and examination of judgment debtor and filing execution	
maximum of one and one-half hours	
9. Originating Motions—	
(a) uncontested and <i>ex parte</i> motions	
all services including preparation of notice of motion and affidavits, preparation, correspondence and attendance on motion, settling, issuing and entering the order	
maximum of three hours	
(b) contested motions	
(i) all services including preparation of notice of motion and affidavits, preparation, correspondence, settling, issuing and entering the order	
maximum of five hours	
(ii) where examinations are held on affidavits	
A. all services in connection therewith including preparation for the attendance on examination and correspondence	
maximum fee of one hour for each hour of examination	
B. attendance on examination	
at the applicable hourly rate with a minimum allowance of one hour	
(iii) counsel fee in the Supreme Court of Ontario, Federal Court of Canada, Divisional Court, Surrogate Court and in proceedings under the <i>Family Law Reform Act</i> in a county or district court	
for attendance on motion, per day	360.00
(iv) counsel fee in a county or district court (other than proceedings under the <i>Family Law Reform Act</i>).	
for attendance on motion, per day	280.00
(c) where the trial of an issue or a reference is directed on the return of an originating notice of motion, the fees for subsequent services shall be determined by reference to the fees provided for comparable services in this Schedule.	
10. Counsel fee on a Reference to a judge, master, official or special referee, registrar, clerk, or commissioner shall be in the discretion of the Legal Accounts Officer.	

11. Uncontested divorce proceedings, including preliminary attendances, preparing and issuing petition, services, all other necessary matters preliminary to trial including correspondence, interlocutory applications, discoveries, preparation for trial, setting down for trial, counsel fee at trial and all necessary matters subsequent to trial, including obtaining judgment absolute, preparation of bill of costs, attendance on taxation, obtaining assignment of costs, filing execution	\$ 420.00
12. Advising a defendant in an uncontested divorce action in respect of all necessary matters	
\$48 per hour to a maximum of eight hours	
13. A fee may be allowed in the discretion of the Legal Accounts Officer for negotiating a settlement whether or not a settlement has been effected or proceedings have been instituted.	

Non-Contentious Estate Matters—

14. Fees in accordance with the Tariff of Fees under the *Surrogate Courts Act*.

Provincial Court (Family Division)—

15. In proceedings under the <i>Family Law Reform Act</i> ,	
(a) all preparation, including preliminary interviews, correspondence, preparation of financial statement and other required documents and preparation for trial	
a maximum of six hours for the first day of trial and three hours for each succeeding day of trial	
(b) counsel fee at trial on a contested basis	
per day	280.00
(c) counsel fee where the trial is uncontested or where a consent order is made, as to all claims	100.00
(d) counsel fee on a show cause hearing	100.00
(e) attendance on adjournment	20.00
16. In proceedings under Part II of the <i>Child Welfare Act</i> ,	
(a) preliminary interviews, correspondence and preparation for trial	
a maximum of ten hours for the first day of trial and three hours for each succeeding day of trial	
(b) counsel fee at trial	
per day	280.00
(c) counsel fee where the trial is uncontested, when an order is made, both as to the finding under section 28 and the disposition under section 30, or where an order is made under section 31, 32, 37 or 38 of that Act	100.00

Small Claims Court—

17. Where the amount involved is \$200 or less,	
(a) preparation of claim	10.00
(b) preparation of dispute	10.00
(c) attendance at trial	30.00

18. Where the amount involved exceeds \$200 but does not exceed \$400,

(a) preparation of claim	\$ 15.00
(b) preparation of dispute	15.00
(c) attendance at trial	40.00

19. Where the amount involved exceeds \$400,

(a) preparation of claim	30.00
(b) preparation of dispute	30.00
(c) attendance at trial	90.00

Consolidation Orders—

20.— (a) All proceedings on an application for a consolidation order under the <i>Small Claims Courts Act</i> including searches, affidavits, services, correspondence and attendances on the judge and clerk	75.00
(b) negotiating and drawing an agreement for the rateable distributing of payments by a debtor among his creditors	75.00
(c) receiving and distributing payments made pursuant to an agreement referred to in clause (b), 6 per cent of the amount received.	

Quasi-Judicial or Administrative Boards or Commissions—

21.— (a) Preliminary interviews, advising and receiving instructions, preparation and correspondence maximum of five hours	
(b) Counsel fee, per day	280.00

Bankruptcy Proceedings—

22. For all necessary professional services in bankruptcy proceedings including correspondence, subsequent to a receiving order or an authorized assignment

maximum of two hours

Appeals to the Supreme Court of Canada—

23. Drawing application for leave to appeal, notice of appeal, preparation of appeal case, including statement of points of fact and law, and all other necessary preparation

(a) maximum preparation time allowed for leave to appeal	15 hours
(b) maximum preparation time allowed for appeal	35 hours

24. Counsel fee on application for leave to appeal

per day or portion thereof	\$360.00
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25. Counsel fee on appeal

per day or portion thereof	480.00
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Appeals to the Court of Appeal, Federal Court of Appeal, Divisional Court and County or District Court, except Appeals under item 29—

26. Drawing and filing notice of appeal, preparation of appeal book, application for leave to appeal, preparation of appeal books and statement of points of fact and law and all other preparation	
(a) maximum preparation time allowed for leave to appeal	10 hours
(b) maximum preparation time allowed for appeal	25 hours
27. Counsel fee on application for leave to appeal, where applicable	
per day or portion thereof	\$360.00
28. Counsel fee on appeal	
per day or portion thereof	360.00
Appeals to County or District Court under the <i>Family Law Reform Act</i> —	
29. Fee for all services including preparation and filing notice of appeal, preparation for and counsel fee on appeal	400.00
Separation Agreements—	
30. Block fee for all services for negotiating, drafting and settling a marital separation agreement	300.00
Change of Name Applications—	
31. Block fee for all services on an application for a change of name under the <i>Change of Name Act</i>	300.00
Adoption Proceedings—	
32. Block fee for all services in adoption proceedings	240.00
Application under the <i>Wages Act</i> —	
33. Block fee for all services including preparation, drafting affidavits and other documents and attendances on the judge in an application under section 7 of the <i>Wages Act</i>	100.00
Other Matters—	
34. In any matter referred to in clause 14 (1) (c) of the Act the fee shall be in the discretion of the Legal Accounts Officer who shall have regard to the importance and difficulty of the work.	
35. The Legal Accounts Officer may allow a fee in proper cases for any services rendered with respect to an application to an area committee under section 14 of the Act when such services have been rendered at the request of and for the use of the area committee.	
36. For drawing documents wherever the subject-matter or nature thereof is properly or customarily within the scope of the professional duties of a solicitor	
per hour	48.00
37. The Legal Accounts Officer may allow a fee to a solicitor for the preparation of an opinion, for an additional opinion or for his attendance to make further submissions when requested by the area committee or the area director.	
38. Where a solicitor travels from his office to a court for an appearance as counsel on behalf of his client, and where such travel is in excess of fifteen miles one way, the Legal Accounts Officer may, in his discretion, allow a fee for travelling at the rate of \$30 per hour, if the appearance is for a purpose other than an adjournment, setting a date for a future appearance, or similar procedural matter. In exercising such discretion the Legal Accounts Officer shall have regard to the availability of a local agent where the court is located, the	

seriousness of the matter, the convenience of the client, whether the matter could have been handled by a solicitor's agent, and the time and duration of the travel. Provided, however, that in no event shall the fees allowed for travelling time exceed 30 per cent of the total fee allowed for the services rendered as settled by the Legal Accounts Officer.

39. In any matter, proceeding, action or appeal, not dealt with by this Schedule of Fees, the Legal Accounts Officer shall allow a reasonable fee and in determining the fee properly payable in respect of such matter, proceeding, action or appeal, the Legal Accounts Officer shall have regard to the Schedule of Fees herein for comparable services.

NOTES

A. This Schedule is a legal aid tariff reflecting fees customarily paid by a client of modest means and except in unusual circumstances the fees provided for shall normally apply for the legal services covered thereby including block fees and maximum fees, but,

(a) such fees may be increased by the Legal Accounts Officer in those cases where in his opinion an increase is justified, having regard to all the circumstances including the nature of the work done, the complexity of the case, the result obtained and any other factor which would warrant an increased fee; and

(b) such fees may be decreased by the Legal Accounts Officer in those cases where in his opinion a decrease is appropriate,

(i) under the provisions of section 110 of the Regulation, or

(ii) where and to the extent that the fees charged exceed the amount of fees that would be taxed were the account of the solicitor for the legal aid services the subject of a taxation under the *Solicitors Act*.

B. The Solicitor must prepare his account in accordance with this Schedule and must provide details of services rendered, including the date, time of day, length of time, description of service and by whom the service was rendered.

C. The Legal Accounts Officer may require proof and justification of all items included in an account, either by the production of docket entries or otherwise.

D.—(1) Where a solicitor represents two or more persons in the same proceeding or matter or where a solicitor represents a person in two or more proceedings or matters and in either case where the trials, hearings or appeals are heard in the same court or forum at approximately the same time, then, for the purposes of this Schedule the solicitor shall be entitled to fees as for one client on one proceeding or matter and such additional fees as may be appropriate in accordance with Note A.

(2) If an application for leave to appeal and the hearing of the appeal are heard at approximately the same time, the solicitor is entitled to fees for the appeal only.

E. Where a solicitor can readily ascertain that the services authorized by a certificate, in the specific circumstances of that case, are sufficiently unusual or unique that the maximum allowed by the tariff is clearly inadequate, he shall forthwith advise the area director and the Legal Accounts Officer of the details of the case and an estimate of the time and services required in his opinion. Failure of a solicitor to do so will be a factor in the settlement of the solicitor's account.

F.—(1) Where a solicitor certifies that he has the equivalent of four years of practice in civil litigation, the basic hourly and *per diem* rates set out in the Schedule are subject to increase as follows:

	Basic rate	Increased to
per hour	\$ 48.00	\$ 54.00
per hour	42.00	46.00
per diem	360.00	405.00
per diem	280.00	315.00
per diem	240.00	270.00
per diem	200.00	250.00
per diem	480.00	540.00

(2) Where a solicitor certifies that he has the equivalent of ten years of practice in litigation, including at least four years of practice in civil litigation, the basic hourly and *per diem* rates set out in the Schedule are subject to increase as follows:

	Basic rate	Increased to
per hour	\$ 48.00	\$ 60.00
per hour	42.00	52.00
per diem	360.00	450.00
per diem	280.00	350.00
per diem	240.00	300.00
per diem	200.00	275.00
per diem	480.00	600.00

- (3) For the purpose of this Schedule,
- (a) practice in litigation means practice in civil litigation or practice in criminal law;
 - (b) years of practice in civil litigation or litigation are calculated by multiplying the total number of years in practice by the percentage of the solicitor's practice that is civil litigation or litigation, as the case may be.

G. In a county court action where costs at trial are awarded on the Supreme Court scale, the fees under this Schedule shall be calculated as for an action in the Supreme Court. O. Reg. 189/79, s. 1, *part*.

Schedule 4

FEES FOR SOLICITORS PROVIDING SERVICES OF LAW CLERKS,
ARTICLED STUDENTS AND INVESTIGATORS

The fees provided for in this Schedule are subject to a reduction of 25 per cent in accordance with section 22 of the Act.

Fees for law clerks, articled students and investigators in the full-time employ of the solicitor, per hour \$16.00

Where Schedules 2 and 3 provide a block fee for a particular service the fee payable for the service shall be deemed to include any services provided by any one or more of a law clerk, articled student or investigator. Where all of the service has been provided by any one or more of such persons, the fee payable for the service is the lesser of the block fee or the amount produced by the application of the foregoing hourly rate.

Where Schedules 2 and 3 provide a maximum number of hours of preparation, any allowance for fees under this Schedule shall be considered as part of the total allowable fees and be included in the maximum. However, in applying the maximum, the hours billed under Schedules 2 and 3 shall be applied first. O. Reg. 189/79, s. 1, *part*.

Schedule 5

FEES OF DUTY COUNSEL

All fees in this Schedule are subject to a reduction of 25 per cent in accordance with section 22 of the Act.

1. For performance of duties as duty counsel under sections 71 and 75 of the Regulation,
per hour \$42.00

but not to exceed \$210.00 per day except where an increase is recommended by the area director and approved by the Director.

2. An allowance of \$30.00 per hour may be made for the time spent in travelling to and from the place where his duties are performed, where the distance is fifteen miles or more one way, and the solicitor satisfies the area director that such travel was reasonable and necessary under the circumstances.
3. In special circumstances the Legal Aid Committee may, from time to time, establish a different allowance for fees for duty counsel providing services in remote areas of northern Ontario. O. Reg. 189/79, s. 1, *part.*

Schedule 6

FEES OF LEGAL ADVICE SOLICITORS

The fees provided for in this Schedule are subject to a reduction of 25 per cent in accordance with section 22 of the Act.

Interviews and advice to applicants including any necessary correspondence, per hour	\$42.00
subject to a maximum of three hours	O. Reg. 189/79, s. 1, <i>part.</i>

Schedule 7

SOLICITORS' OUT-OF-POCKET DISBURSEMENTS

Every solicitor who has rendered legal aid is entitled to be paid in accordance with this Regulation the following out-of-pocket disbursements actually and reasonably incurred:

- (i) Disbursements, not being witness fees, required or permitted to be made pursuant to any statute, rule having statutory authority, regulation or order-in-council.
- (ii) Subject to paragraph viii, witness fees and travelling expenses of witnesses in accordance with the statute, rule or regulation under which the proceeding is brought, and if no provision is made therein for witness fees, then in accordance with Tariff B of the Rules of Practice in civil matters and the *Administration of Justice Act* in criminal matters.
- (iii) Fees payable to a court reporter for a transcript of evidence taken on a preliminary enquiry, reasons for judgment or evidence for use on an appeal authorized by this Regulation to be taken.
- (iv) A solicitor's travelling expenses where the distance travelled is fifteen miles or more one way, and the solicitor satisfies the Legal Accounts Officer that such travel was reasonable and necessary under the circumstances.
- (v) Long distance telephone and telegraph charges.
- (vi) The fee for reproduction copies is 10 cents per page to be allowed in the discretion of the Legal Accounts Officer.
- (vii) Postage or express charges on the shipment of parcels of documents, transcripts of evidence or exhibits for use on an application to court or chambers or on an appeal.
- (viii) With the prior approval of the Director or the Legal Accounts Officer the services of a person entitled by law or practice to give expert or opinion evidence may be engaged and the reasonable and proper fees paid therefor at the rate specified by the Legal Accounts Officer in his authorization.
- (ix) With the approval of the Director or Legal Accounts Officer, any other proper out-of-pocket disbursements, including any deposit or other payment that may be required, made in furtherance of the proceeding or matter, which approval shall, except in an emergency, be obtained prior to such out-of-pocket disbursements being made. O. Reg. 189/79, s. 1, *part.*

Strike out if about the said matter and I have paid
otherwise not applicable him \$.....
on or about, 19....

Dated at, this day of,
19....
.....
(signature of applicant)

To the area director
at

Name of Interviewing Lawyer (if applicable)
.....
(initials) (surname)

N.B. Where criminal charges involved, please state
following information if known:

In custody? Yes..... Where.....
No

Date of hearing Courtroom #

Choice of lawyers:1.
2.
3.

County of	IN THE MATTER OF an application for legal aid under the <i>Legal Aid Act</i>
Province of Ontario,	

To Wit:

I,, of the
of, in the County of
do solemnly declare as follows:

1. I am the above named applicant and I duly
signed the foregoing application for legal
aid.
2. All the information given by me and set out
in the said application is true to the best
of my knowledge and belief.

And I make this solemn declaration consci-
entiously believing it to be true and knowing that
it is of the same force and effect as if made
under oath and by virtue of the *Canada Evidence
Act*.

Declared before me at
the
of, in the
County of
this day of, 19....

.....
A Commissioner, etc.
R.R.O. 1970, Reg. 557, Form 2.

Form 3

Legal Aid Act

NOTICE OF REFUSAL OF CERTIFICATE
FOR LEGAL AID

This is to advise you that your application for legal
aid dated, 19...., for
has been refused on the following grounds:

And take notice that you may appeal my decision
to the area committee at
by filing at my office a notice of appeal in Form 19
within ten days after the delivery of this notice.

Dated at, this day of
19....

To:
.....
(applicant) (Area Director
at))

R.R.O. 1970, Reg. 557, Form 3.

Form 4

Legal Aid Act

NOTICE OF REFUSAL OF CERTIFICATE
FOR LEGAL AID

(where approval of Area Committee required)

This is to advise you that your application for legal
aid dated, 19...., has been refused by
reason that the Area Committee at
did not approve your application, on the following
grounds:

And take notice that you may appeal this decision
to the Director of Legal Aid,
by giving written notice of your appeal in Form 17
to the Director at that office within seven days
after delivery of this notice.

Dated at, this day of
19....

To:

.....
(applicant) (Area Director
at

R.R.O. 1970, Reg. 557, Form 4.

Form 5

Legal Aid Act

**REQUEST FOR A REPORT BY AN
ASSESSMENT OFFICER**

To
Regional Assessment Officer

Name of Applicant:..... File No.....
.....

Address Nature of
Proceeding

Telephone: Home..... Date of Court
Appearance.....
Business.....

Estimated Cost of
Legal Aid \$.....

Dear Sir,

The above named person has applied for legal aid in
accordance with subsection 16 (1) of the *Legal Aid Act*.
The application is hereby referred to the Ministry of
Community and Social Services for a report under
subsection 16 (2) of the Act.

A provisional certificate has been issued ☐
has not been issued ☐

Dated at, this day of,
19....

.....
(Area Director
at

R.R.O. 1970, Reg. 557, Form 5.

Form 6

Legal Aid Act

**NOTICE TO APPLICANT AND APPLICANT'S
AGREEMENT**

The Provincial Assessment Officer at
has reported that you have:

A yearly income over your reported expenditures
amounting to \$.....

and
available liquid capital \$.....

I have determined that you are entitled to legal aid
to (*brief indication of relief desired*):

and that you are able to make a payment of \$.....
towards the cost of legal services provided as follows:

Before a certificate for legal aid is issued, you must
sign the agreement set out in this Form and return
the signed white copy of this form to me.

If you consider this decision unfair, I will recon-
sider this case if you send me in writing full details
concerning your objections to my decision.

Where the agreement is not signed and returned
to me within fifteen days of the date on which it was
sent to you, your application for legal aid shall be
deemed to have been withdrawn and no further
proceedings shall be taken thereon.

Dated at, this day of,
19....

.....
(Area Director
at

.....
(applicant)

AGREEMENT

In consideration of the issue to me of a certificate
for legal aid I hereby agree,

(a) to pay to The Law Society of Upper
Canada at the office of the Director of

Legal Aid the sum of \$.....
as follows:

(b) upon a solicitor undertaking to act for
me under the said certificate, to execute
criminal cases a written direction that all money re-
or if otherwise covered by me as a result of the legal aid
not appropriate be paid to such solicitor.

I understand that if recoveries made by the Law
Society for the Legal Aid Fund and the amount of
contributions paid by me exceed in total the costs for
services rendered in accordance with the Regulation
under the *Legal Aid Act*, the amount of such excess
will be paid to me and that the said solicitor will
account to me for all money received by him under the
foregoing direction.

Dated at, this day of,
19....

.....
(applicant)

R.R.O. 1970, Reg. 557, Form 6.

Form 7
Legal Aid Act

CERTIFICATE FOR LEGAL AID

1. This is to certify that

of, in the of

is entitled to legal aid for the following purposes:

(Here set out briefly but precisely the nature of the services authorized and any limitations with respect thereto.)

2. No expenditure on behalf of this client shall be made or incurred unless authorized by the Regulation.

3. WHERE THE CLIENT IS AWARDED ANY COSTS OR RECOVERS ANY SUM OR PROPERTY OTHER THAN MONEY AS A RESULT OF THE PROCEEDINGS HEREBY AUTHORIZED, THE PROVISIONS OF SUBSECTIONS 17 (2) AND (3), AND SECTION 19 OF THE *Legal Aid Act* APPLY.

4. The solicitor receiving this certificate shall, as soon as possible, and in any event within ten days after its receipt complete and sign the form of solicitor's acknowledgement and undertaking and return the triplicate copy thereof to the area director issuing it. If for any reason the solicitor is unable or unwilling to act he shall return the certificate forthwith to the client or to the area director as the circumstances require.

5. This certificate ceases to be valid unless delivered to and accepted by a solicitor on a legal aid panel and the triplicate copy hereof is signed by the solicitor and returned to the undersigned area director within thirty days of the date of this certificate or within such extended time not exceeding thirty days from the date of the extension as the area director may authorize.

6. The client has executed the following agreement with The Law Society of Upper Canada:

In consideration of the issue to me of a certificate for legal aid I hereby agree,

(a) to pay to The Law Society of Upper Canada at the office of the Director of

Legal Aid the sum of \$..... as follows:

(b) upon a solicitor undertaking to act for me under the said certificate, to execute a written direction that all money recovered by me as a result of the legal aid be paid to such solicitor.

Strike out in criminal cases or if otherwise not appropriate

7. Notwithstanding the issue of this certificate, if at any time it appears to the solicitor accepting it that the client may not be entitled to the legal aid by reason of section 41 or 68 of the Regulation or otherwise, he shall report to the area director before instituting or continuing the proceedings.

8. Subject to the provisions of subsection 60 (2) of the Regulation, no proceeding referred to in subsection 60 (1) thereof shall be commenced or defended until the solicitor has furnished to the area director his written opinion as therein required and the area director has authorized him to proceed.

9. This certificate does not authorize an appeal or an application for leave to appeal from any final judgment, verdict or order but does authorize a written opinion on the merits of an appeal or application for leave to appeal, if requested by the area director or area committee.

Dated at, this day of,
19....

.....
(Area Director
at))

SOLICITOR'S ACKNOWLEDGEMENT AND UNDERTAKING

The undersigned acknowledges that he has been retained by the client named herein to provide the legal aid authorized by this certificate and hereby undertakes to perform it and that, where applicable, he has obtained from the client the written direction referred to in paragraph 6 of this certificate, and that,

(a) prior to the issue of this certificate he was not employed by the client to perform any services with respect to the same matter; or

(b) prior to the issue of this certificate he was employed by the client to perform some services with respect to the same matter and in connection therewith

Strike out if not applicable

received from the client a total of \$.... on account of his fees and disbursements.

Dated at, this day of,
19....

.....
(solicitor)

R.R.O. 1970, Reg. 557, Form 7.

Form 8

Legal Aid Act

CERTIFICATE FOR LEGAL AID
(under section 14 of the *Legal Aid Act*)

1. This is to certify that
of, in the of
is entitled to legal aid for the following purposes:

*(Here set out briefly but precisely the nature of
the services authorized and any limitations with
respect thereto).*

2. No expenditure on behalf of this client shall be
made or incurred unless authorized by the
Regulation.

3. WHERE THE CLIENT IS AWARDED ANY COSTS
OR RECOVERS ANY SUM OR PROPERTY OTHER
THAN MONEY AS A RESULT OF THE PROCEEDINGS
HEREBY AUTHORIZED, THE PROVISIONS OF SUB-
SECTIONS 17 (2) AND (3), AND SECTION 19 OF THE
Legal Aid Act APPLY.

4. The solicitor receiving this certificate shall, as
soon as possible, and in any event within ten
days after its receipt complete and sign the
form of solicitor's acknowledgement and under-
taking and return the triplicate copy thereof to
the area director issuing it. If for any reason
the solicitor is unable or unwilling to act he shall
return the certificate forthwith to the client or
to the area director as the circumstances require.

5. This certificate ceases to be valid unless delivered
to and accepted by a solicitor on a legal aid panel
and the triplicate copy hereof is signed by the
solicitor and returned to the undersigned area
director within thirty days of the date of this
certificate or within such extended time not
exceeding thirty days from the date of the
extension as the area director may authorize.

6. The client has executed the following agreement
with The Law Society of Upper Canada:

In consideration of the issue to me of a cer-
tificate for legal aid I hereby agree,

(a) to pay to The Law Society of Upper
Canada at the office of the Director of

Legal Aid the sum of \$..... as
follows:

(b) upon a solicitor undertaking to act for
me under the said certificate, to execute
a written direction that all money re-
covered by me as a result of the legal
aid be paid to such solicitor.

7. Notwithstanding the issue of this certificate if at
any time it appears to the solicitor accepting it
that the client may not be entitled to the legal aid
by reasons of section 41 or 68 of the Regulation or
otherwise, he shall report to the area director
before instituting or continuing the proceedings.

8. This certificate does not authorize a further
appeal or application for leave to appeal from
any final judgment, verdict or order of the court
appealed to but does authorize a written opinion
on the merits of an appeal or application for
leave to appeal if requested by the area director
or area committee.

9. Where the judgment or verdict of the appeal
court directs a new trial the solicitor is authorized
by this certificate to represent the applicant on
the new trial.

10. Issue of this certificate has been approved by the
area committee.

11. If this certificate authorizes an appeal against
conviction, sentence, or conviction and sentence
to the Court of Appeal and the applicant has
served a Notice of Appeal in writing pursuant to
Rule 18 of the Criminal Appeal Rules, the solici-
tor accepting the certificate shall forthwith after
filing a Notice of Appeal, file with the registrar of
the Court a notice of withdrawal of the Prisoner's
Notice of Appeal.

Dated at, this day of

19....

.....
(Area Director
at)

**SOLICITOR'S ACKNOWLEDGEMENT
AND UNDERTAKING**

The undersigned acknowledges that he has been
retained by the client named herein to provide the
legal aid authorized by this certificate and hereby
undertakes to perform it and that, where applicable,
he has obtained from the client the written direction
referred to in clause (b) of paragraph 6 of this certi-
ficate and that,

(a) prior to the issue of this certificate he
was not employed by the client to per-
form any services with respect to the
same matter; or

(b) prior to the issue of this certificate he
was employed by the client to perform

Strike out if some services with respect to the same
not applicable matter and in connection therewith

received from the client a total of \$....
on account of his fees and disburse-
ments.

Dated at, this day of,
19....

.....
(solicitor)

R.R.O. 1970, Reg. 557, Form 8.

Form 9

Legal Aid Act

PROVISIONAL CERTIFICATE FOR
LEGAL AID

This is to certify that

has applied for legal aid for
and it appears desirable that his rights be protected
pending the determination of his eligibility for legal
aid and the terms upon which it may be granted.

The client has executed the following agreement
with The Law Society of Upper Canada:

I hereby agree to pay to The Law Society
of Upper Canada at the Legal Aid office
such sum as the assessment officer may
certify as within my financial ability to
pay towards the cost of such legal aid.

HE IS ACCORDINGLY ENTITLED in the interim to
legal aid and his solicitor is authorized to take the
following step:

*(Here set out the immediate step to be taken,
e. g., apply for an adjournment or remand,
application for bail, issue a writ or enter an
appearance, as the case may be.)*

Issued at, this day of,
19....

.....
(Area Director
at)

SOLICITOR'S ACKNOWLEDGEMENT

The undersigned acknowledges that he has been
retained by the client named herein to provide the
legal aid covered by this certificate and hereby under-
takes to perform it.

Dated at, this day of,
19....

.....
(solicitor)

R.R.O. 1970, Reg. 557, Form 9.

Form 10

Legal Aid Act

SOLICITOR'S LEGAL AID REPORT

1. In accordance with certificate for legal aid
No. and dated the day of,
19...., I performed on behalf of
the following services:

2. The present state of the matter in which the
services were rendered is:

- (a) the work authorized has been completed ☐
- (b) no further useful work can be done ☐
- (c) my client has directed me not to proceed
further ☐

If the matter is a criminal matter

- (d) my client was acquitted ☐ convicted ☐ had
the charges withdrawn ☐
- (e) (if convicted) the sentence imposed was
- (f) my client's case was adjourned at my re-
quest ☐ (state number of times) at the re-
quest of the Crown ☐ (state number of times)

- (g) my client pleaded
☐ guilty
☐ not guilty

(h)

3. I have performed all my obligations under
section 64 of the Regulation.

4. *If a judgment for damages, debt or any other sum
certain (not being for alimony, maintenance or
support) has been awarded to or against the client.*

My client is entitled to be paid or required to pay
pursuant to a judgment or order \$.... for claim
and \$.... for costs of which at the date hereof
\$.... for claim and \$.... for costs are unpaid.

5. If a claim has been settled without judgment

My client is entitled to be paid or required to pay pursuant to a settlement for claim \$.... and \$.... for costs of which at the date hereof \$.... for claim and \$.... for costs are unpaid.

6. I have duly performed all my duties under sections 65 and 132 of the Regulation and in connection therewith I have taken the following steps to obtain payment on behalf of my client,

- (a) issued and filed a writ of execution ☐
- (b) obtained a return to the writ which is attached hereto ☐
- (c) examined the judgment debtor, a transcript of which is attached hereto ☐

7. My opinion on the steps, if any, that reasonably may be taken to collect the balance owing is attached.

8. The last known address of my client is

Dated at, this day of

19....
.....
(solicitor)

NOTE: Failure to complete fully each applicable section of this Form will result in considerable delay in the payment of your account.

R.R.O. 1970, Reg. 557, Form 10.

Form 11

Legal Aid Act

SOLICITOR'S LEGAL ADVICE REPORT

The following person has been given legal advice by me pursuant to the provisions of clause 21 (c) of the Legal Aid Act, and the regulations.

Name and Address	Brief Nature of Advice Given	Time in Hours or Parts Thereof

I certify the above services were rendered and were necessary and proper.

Dated at, this day of

19....
.....
(solicitor)

R.R.O. 1970, Reg. 557, Form 11.

Form 12

Legal Aid Act

REPORT AND CERTIFICATE OF DUTY COUNSEL IN CRIMINAL MATTERS

As duty counsel I performed the following services under the Legal Aid Act and the regulations on

behalf of who was charged with

1. Advised him with respect to,

- (a) bail ☐
- (b) his choice of pleas, following which he pleaded,
 - (i) guilty ☐
 - (ii) not guilty ☐

(c) his right to apply for an adjournment ☐

(d) making application for legal aid ☐

2. Assisted him to prepare an application for legal aid ☐

3. Attended in court,

- (a) when he pleaded,
 - (i) guilty ☐
 - (ii) not guilty ☐
- (b) to request an adjournment ☐
- (c) to make submissions as to sentence ☐

4. Other services

I certify that the above legal aid services were necessary and proper and were rendered by me.

The following disposition has been made of his case:

- 1. Remanded for trial ☐
- 2. Remanded for preliminary hearing ☐
- 3. Plea of guilty ☐
- 4. Remand for sentence ☐
- 5. Sentenced ☐

6. Other disposition.....

The above services were rendered on ,

19....

Dated at , this day of ,

19....

.....

(Duty Counsel)

To the area director

at.....

R.R.O. 1970, Reg. 557, Form 12.

Form 13

Legal Aid Act

REPORT AND CERTIFICATE OF DUTY COUNSEL IN CIVIL MATTERS

As duty counsel I performed the following services under the *Legal Aid Act* and the regulations on behalf of

I certify that the above services were rendered by me on , 19....

.....

(Duty Counsel)

R.R.O. 1970, Reg. 557, Form 13.

Form 14

Legal Aid Act

NOTICE OF INTENTION TO CANCEL A CERTIFICATE FOR LEGAL AID

Take notice that the undersigned has appointedday, the day of ,

19...., at o'clock in thenoon at his office at to consider whether the legal aid certificate issued to you on the day of , 19...., should be cancelled by reason of:

You may attend at the time and place designated in person or by your representative to show cause why the certificate should not be cancelled.

Dated at , this day of ,

19....

To

.....

(Area Director at)

R.R.O. 1970, Reg. 557, Form 14.

Form 15

Legal Aid Act

NOTICE OF CANCELLATION OF CERTIFICATE FOR LEGAL AID

Take notice that the undersigned onday, the day of , 19.... cancelled the certificate for legal aid issued to you by him on the day of , 19...., and, pursuant to the regulations you have ceased to be entitled to the legal aid services set out therein.

And take notice that you may appeal my decision to the Area Committee at by filing with me a Notice of Appeal in Form 19 within ten days after the delivery of this notice.

Dated at , this day of ,

19....

.....

(Area Director at)

To

.....

(applicant)

and to

.....

(his solicitor)

R.R.O. 1970, Reg. 557, Form 15.

Form 16

Legal Aid Act

CERTIFICATE OF DUTY COUNSEL (under section 74 of the Regulation)

This is to certify that

an applicant for legal aid whom I assisted as duty
counsel on the day of, 19....,
was a client of mine or of, who is
associated with me in the practice of law, prior to the
said date and a solicitor and client relationship existed
between the applicant and

Dated at, this day of,
19....
.....
(Duty Counsel)

R.R.O. 1970, Reg. 557, Form 16.

Form 17

Legal Aid Act

NOTICE OF APPEAL TO THE DIRECTOR
OF LEGAL AID
(under section 14 (4) of the Act)

Take notice that hereby
appeals to the Director of Legal Aid from the decision
of the Legal Aid Area Committee at,
made on the day of, 19....,
on the following grounds:

Dated at, this day of,
19....
.....
(appellant)
.....
(address)
.....

To: The Director,
Ontario Legal Aid Plan

R.R.O. 1970, Reg. 557, Form 17.

Form 18

Legal Aid Act

NOTICE OF DECISION ON APPEAL TO THE
DIRECTOR OF LEGAL AID

Notice is hereby given that your appeal from the
decision of the Area Committee at

has been
Dated at, this day of,
19....

(Director of Legal Aid)

To
.....
.....
.....
(applicant)

and to the area director at
R.R.O. 1970, Reg. 557, Form 18.

Form 19

Legal Aid Act

NOTICE OF APPEAL TO AN AREA COMMITTEE

Take notice that hereby
appeals to the Legal Aid Area Committee at
from the decision of the Area Director at,
made on the day of, 19....,
on the following grounds:

Dated at, this day of,
19....
.....
(appellant)

To the area director
at

R.R.O. 1970, Reg. 557, Form 19.

Form 20

Legal Aid Act

NOTICE OF HEARING APPEAL BY
AREA COMMITTEE

Take notice that the Area Committee at
will hear your appeal from the decision of the area
director at onday, the day
of, 19...., at o'clock in the

.....noon at the Legal Aid Offices at

You may attend at that time and place in person or by your representative and make such submissions as you desire.

Dated at, this day of,

19....

.....
(Area Director
at))

R.R.O. 1970, Reg. 557, Form 20.

Form 21

Legal Aid Act

NOTICE OF DECISION ON APPEAL TO AREA COMMITTEE

Notice is hereby given that your appeal from the decision of the area director at has been:

Dated at, this day of,

19....

To

.....
(appellant) (Area Director
at))

R.R.O. 1970, Reg. 557, Form 21.

Form 22

Legal Aid Act

NOTICE OF APPEAL TO TAXING OFFICER

Take notice that pursuant to section 114 of the Regulation under the *Legal Aid Act* hereby appeals to the Taxing Officer at Toronto from the review pursuant to section 112 of the said Regulation of my legal aid account by the Legal Accounts Officer on the following grounds:

Dated at, this day of,

19....

To the Director
of Legal Aid (solicitor)

R.R.O. 1970, Reg. 557, Form 22.

Form 23

Legal Aid Act

NOTICE OF A CHANGE IN PAYMENT AGREEMENT

Legal aid certificate number was issued to you on, 19.... for Legal Aid to

That certificate was granted (without any payment being required from you) or (after you agreed to pay \$..... at \$..... per).

We are NOW of the opinion that you can contribute towards the cost of the legal aid the sum of \$..... at \$..... per commencing

If you agree to this change, please sign and return to this office the agreement on this form no later than the day of, 19....

If you do not agree with these new payment terms, you may discuss the matter with me at my office at

..... on, the day of, 19.... at

IF YOU NEITHER RETURN THIS FORM PROPERLY SIGNED, NOR APPEAR AT MY OFFICE AT THE ABOVE TIME, YOUR CERTIFICATE MAY BE CANCELLED.

To:

.....
(Area Director
at))

AMENDED PAYMENT AGREEMENT

In consideration of the issue to me of a certificate for Legal Aid and of the continuance of such legal aid, I hereby agree to pay to The Law Society of Upper

Canada at the Legal Aid office the sum of \$..... in
part payments of \$..... on the day of
each month, starting, 19....

This agreement replaces any previous agreement
for payment.

I understand that should the cost of the legal aid
provided be less than the total amount which I have
paid into the Legal Aid Fund, the extra money over
the cost will, subject to the provisions of the *Legal Aid
Act* and the Regulation, be paid back to me.

Dated at, this day of,
19....
.....
(applicant)

Return this form to:
.....
.....
.....

R.R.O. 1970, Reg. 557, Form 23.

Form 24

Legal Aid Act

UNDERTAKING OF CLIENT ON ISSUE OF A
PROVISIONAL CERTIFICATE

In consideration of the issue to me of a provisional
certificate for legal aid for the following purpose:

I hereby agree to pay to The Law Society of Upper
Canada at the Legal Aid office such sum as the assess-
ment officer may certify as within my financial ability
to pay towards the cost of such legal aid.

Dated at, this day of,
19....
.....
(applicant)
.....
.....
(address)

R.R.O. 1970, Reg. 557, Form 24.

Form 25

Legal Aid Act

TAXING OFFICER'S CERTIFICATE

IN THE MATTER OF an appeal pursuant to the
Regulation under the *Legal Aid Act* and IN THE
MATTER OF the Appeal of

from a review of the Legal Accounts Officer, dated
the day of, 19....

Upon the application of, a solicitor
of the Supreme Court, appellant by way of appeal from
a review by the Legal Accounts Officer of his settle-
ment of the account of the appellant for services
rendered pursuant to the authority of the *Legal Aid
Act*, and upon having read the said review and what
was alleged on behalf of the appellant and by counsel
for the Director of Legal Aid.

I find and certify that the amount at which the
account of the aforesaid solicitor should be settled is
\$.....

Dated at, this day of,
19....

.....
(Taxing Officer S.C.O.)

R.R.O. 1970, Reg. 557, Form 25.

Form 26

Legal Aid Act

NOTICE OF SETTLEMENT OF ACCOUNT

Pursuant to the Regulation under the *Legal Aid
Act*, I enclose the duplicate copy of your account
showing the disposition I have made of the items
therein.

I certify the settlement of your account is as follows:

FEES:	
Amount at which settled	\$.....
Amount payable pursuant to section 22 of the Act	.....
DISBURSEMENTS:	
Amount at which settled	.....

TOTAL AMOUNT PAYABLE

If you are dissatisfied with the settlement of this
account you may apply to me for a review thereof,

pursuant to section 112 of the Regulation, not later than ten days after the date of this certificate.

Dated at, this day of
19....

.....
(Legal Accounts Officer)

R.R.O. 1970, Reg. 557, Form 26.

Form 27

Legal Aid Act

**NOTICE OF APPLICATION FOR LEGAL AID
TO THE COURT OF APPEAL FOR ONTARIO**

Take notice that I have this day submitted (or I intend to submit forthwith) an application to the Area

Director at for legal aid to appeal on my behalf against the

conviction ☐

sentence ☐

conviction and sentence ☐

referred to in the attached Notice of Appeal.

The election to present my case and argument,

(a) in writing;

(b) in person,

contained in my Notice of Appeal is to take effect if, and only if, my application for legal aid is refused.

Dated at, this day of
19....

.....
(appellant)

.....
(Duty Counsel)

NOTE: To be attached to and filed with the Prisoner's Notice of Appeal.

R.R.O. 1970, Reg. 557, Form 27.

Form 28

Legal Aid Act

**NOTICE OF WITHDRAWAL IN THE
SUPREME COURT OF ONTARIO**

Name of appellant

Place of trial

Name of Court

Name of Judge or Provincial Judge

Offence of which convicted

Sentence imposed

Date of conviction

Date of imposition of sentence

Name and address of place at which appellant is in custody or if not in custody appellant's address

This is to advise you that since filing my notice of appeal in the above matter as a prisoner appeal, I have appointed a solicitor who has filed and served a Notice of Appeal to this Court and who has agreed to act on my behalf and who has filed a Notice of Appeal. I therefore authorize and request the termination of any proceedings instituted by me under my said prisoner appeal.

Dated at, this day of

19....

.....
(appellant)

To:

The Registrar of The Supreme Court of Ontario.

NOTE: To be filed with the Court of Appeal with the solicitor's Notice of Appeal.

R.R.O. 1970, Reg. 557, Form 28.

Form 29

Legal Aid Act

**CERTIFICATE OF LIEN
(under section 18 (1) of the Act)**

I,

the area director of legal aid for the of

....., hereby certify that
(name of

....., of the of, in contributor)

consideration of the issue to him/her of a certificate

for legal aid has agreed on the day of,
19...., to pay to The Law Society of Upper Canada
at the office of the Director of Legal Aid the sum of
\$..... as a contribution towards the cost of
the legal aid given to him/her.

The contributor is the owner of or has an interest
in the following land:

Street Address
Lot and plan number
(and if in land titles)
Parcel number in the Register for
.....

Dated at, this day of,
19....
.....
Area Director of Legal Aid
for

To:
The Sheriff of the
County/District
of.....
And to:
The Director of Legal Aid.

R.R.O. 1970, Reg. 557, Form 29.

Form 30

Legal Aid Act

CERTIFICATE OF DISCHARGE OF LIEN
(under section 18 (7) of the Act)

I,,
the Director of Legal Aid, hereby certify that the cer-
tificate of lien, dated the day of,
19...., issued by the area director of legal aid
for the of wherein
..... was named as a contributor towards the cost
of legal aid given to him/her in the amount of \$.....,
is discharged.

Dated at Toronto, this day of,
19....

.....
Director of Legal Aid

To:
The Sheriff of the
County/District
of.....
And to:
The Area Director
for.....

R.R.O. 1970, Reg. 557, Form 30.

Form 31

Legal Aid Act

NOTICE OF EXPIRY OF CERTIFICATE
FOR LEGAL AID

Certificate Number

--	--	--	--	--	--	--	--

TAKE NOTICE that on.....day, the day of
....., 19...., the certificate for legal
aid issued to you by the undersigned on the
.... day of, 19...., under the pro-
visions of section 56 of Regulation 575 of Revised Reg-
ulations of Ontario, 1980 expired by reason of the fact
that no solicitor had completed and signed the ac-
knowledgement and undertaking on a copy of the cer-
tificate and returned it to the undersigned.

Accordingly, pursuant to the Regulation, you have
ceased to be entitled to the legal aid services set out
therein.

Dated at, this day of
....., 19....
.....
(Area Director at.....)

To:
.....
(Client)

NOTE: Form to be made in triplicate. One copy to
client, one copy for area office and one copy
for provincial director's office. O. Reg.
224/72, s. 16, *part*.

Form 32*Legal Aid Act***NOTICE OF REACTIVATION OF
CERTIFICATE FOR LEGAL AID**

Certificate Number

--	--	--	--	--	--	--	--	--	--

TAKE NOTICE that the undersigned onday,
the day of, 19...., re-
activated the certificate for legal aid issued to you
by the undersigned on the day of,
19, under the provisions of section 56 of Regu-
lation 575 of Revised Regulations of Ontario, 1980.

Dated at, this day of
....., 19....

.....
(Area Director at.....)

To:
.....
(Client)

To:
.....
(Solicitor)

NOTE: Form to be made in quadruplicate. One copy
to client, one copy to solicitor, one copy for
area office and one copy for provincial
director's office. O. Reg. 224/72, s. 16, *part*.

Form 33*Legal Aid Act***NOTICE OF CANCELLATION OF
CERTIFICATE FOR LEGAL AID AT
REQUEST OF CLIENT
(under section 66 (c) of the Regulation)**

TAKE NOTICE that the undersigned onday,
the day of, 19.... at your
request has cancelled the certificate for legal aid
issued to you by the undersigned on the day
of, 19.... The effective date of
the cancellation is the day of,
19....

Dated at, thisday of
....., 19....

Certificate Number

--	--	--	--	--	--	--	--	--	--

.....
(Area Director at.....)

To:
.....
(Client)

To:
.....
(Solicitor)

NOTE: Form to be made in quadruplicate. One copy
to applicant, one copy to solicitor, one copy
to area director and one copy to provincial
director. O. Reg. 224/72, s. 16, *part*.

REGULATION 576

under the Legislative Assembly Retirement Allowances Act

GENERAL

1. For the purpose of subsection 24 (3) and subsection 25 (3) of the Act, payment of instalments shall be made in thirty-five equal monthly instalments, the first payment of which shall be one month after the date of the election by the member and thereafter on the same date in each and every succeeding month, until all the contributions have been fully made. O. Reg. 866/75, s. 1.

2.—(1) Table 1 is prescribed for the purposes of subsection 6 (4) and subsection 9 (4) of the Act.

(2) Table 2 is prescribed for the purposes of subsection 18 (4) and subsection 19 (3) of the Act. O. Reg. 866/75, s. 2.

3. Annuities shall, for the purposes of clause 16 (2) (b) of the Act, be calculated in accordance with Table 3. O. Reg. 866/75, s. 3.

TABLE 1

Age last birthday before former member or minister elects to take an immediate allowance	Reduction factor to be applied to the amount of the allowance determined under section 6 (4) or 9 (4) of the Act
54	93%
53	87
52	81
51	76
50	71
49	67
48	63
47	59
46	55
45	52
44	49
43	46
42	44
41	42

40	40
39	38
38	36
37	34
36	32
35 or younger	30

O. Reg. 866/75, Table 1.

TABLE 2

60-Age-Years of Service	Reduction Factor
1	.94
2	.89
3	.84
4	.79
5	.74
6	.70
7	.66
8	.62
9	.58
10	.55
11	.51
12	.48
13	.45
14	.42
15	.40
16	.37
17	.35
18	.33
19	.31
20 and greater	.30

O. Reg. 866/75, Table 2.

TABLE 3
ANNUITY PURCHASE FACTORS FOR
ANNUITIES

Monthly Income Purchased by \$100

Age	Married Male	Married Female	Single Male	Single Female
55	.59	.58	.66	.60
56	.60	.59	.68	.61
57	.61	.60	.69	.62
58	.62	.61	.71	.64
59	.63	.62	.73	.65
60	.65	.63	.75	.66
61	.66	.65	.77	.68
62	.68	.66	.79	.70
63	.70	.68	.82	.71

64	.71	.70	.84	.73
65	.73	.71	.87	.75
66	.75	.73	.90	.78
67	.77	.76	.93	.80
68	.80	.78	.97	.83
69	.82	.80	1.01	.85
70	.85	.83	1.05	.88
71	.88	.86	1.09	.92
72	.91	.89	1.14	.95
73	.94	.92	1.19	.99
74	.98	.96	1.24	1.03
75 and above	1.02	1.00	1.30	1.07

Apply reduction factors in Table 1 to age 55 rate for ages below 55.

O. Reg. 866/75, Table 3.

REGULATION 577

under the Lightning Rods Act

GENERAL

INTERPRETATION

1. In this Regulation,

- (a) "air-terminal" means a pointed tube or rod extending upwards from a conductor;
- (b) "air-terminal support" means a device used for the purpose of holding an air-terminal firmly in position;
- (c) "auxiliary grounding" means an additional grounding connected to a main grounding;
- (d) "bonded" means in permanent and tight mechanical and electrical contact;
- (e) "branch-conductor" means a conductor that branches off at an angle from a continuous run of conductor;
- (f) "cable" means a number of wires twisted or braided to form a conductor;
- (g) "conductor" means the portion of a system that is designed to carry the current of a lightning discharge to ground;
- (h) "cone of protection" means a vertical cone that has an air-terminal point at its apex and with the radius of its base not greater than the vertical height of the air-terminal above the base;
- (i) "connector" means a device used to make a connection between two conductors or between a conductor and another part of a system or between a conductor and a metallic object;
- (j) "copper-clad steel" means steel having a continuous coating of copper welded to it, the coating of copper constituting at least one-fourth of the total cross-sectional area;
- (k) "dead-end conductor" means a conductor having no grounding other than through the conductor from which it branches;
- (l) "down-conductor" means the vertical portion of a conductor that ends at a ground connection;
- (m) "fastener" means a device used to hold a conductor in place;
- (n) "flat roof" means a roof that is horizontal or has a vertical rise of not more than one foot for each six feet measured horizontally;
- (o) "galvanized" means protected with a coating of zinc capable of withstanding four one-minute immersions in a saturated copper sulphate solution without showing a fixed deposit of copper;
- (p) "gauge" means a measure of the diameter of wire or the thickness of sheet metal in accordance with the American Wire Gauge or Brown and Sharpe Gauge Standards;
- (q) "grounding" means the portion of a conductor underground that makes electrical contact with the earth;
- (r) "ground-rod" means a solid rod of copper, copper-clad steel or galvanized steel that is used as a grounding;
- (s) "independent grounding" means a grounding that is connected to some metallic object but not to the main system;
- (t) "main grounding" means the portion of a grounding that is the direct continuation of a down-conductor;
- (u) "metal-clad" means having sides made of or covered with metal;
- (v) "metal-roofed" means having a roof made of or covered with metal;
- (w) "system" means materials assembled and installed on a building or structure for the purpose of protecting the building or structure from damage by lightning. R.R.O. 1970, Reg. 559, s. 1.

2. Sections 3 to 56 do not apply to,

- (a) tall chimneys of power, heating and processing plants; or
- (b) explosive-magazines, or tanks and reservoirs for flammable liquids. R.R.O. 1970, Reg. 559, s. 2.

MATERIALS

3.—(1) Materials used in a system, other than,

- (a) copper-clad steel and galvanized steel rods used as groundings;
- (b) galvanized iron used for air-terminal supports, connectors, nails, screws, bolts, plates for making connections to a metal roof or metal siding, and separators between copper or copper alloy and aluminum; and
- (c) lead used as anchors or to protect other materials from corrosion or to separate copper or copper alloy and aluminum,

shall be copper, copper alloy or aluminum.

(2) Aluminum, whether it is part of a system or part of a structure on which it is installed, shall not be in contact with copper or copper alloy at points of attachment or connection.

(3) Aluminum shall not be installed underground or embedded in concrete or masonry. R.R.O. 1970, Reg. 559, s. 3.

4.—(1) Except as provided in subsections 48 (2) and (3), cable shall,

- (a) consist of not less than seven wires of soft drawn copper or aluminum, and no wire shall be less than 17-gauge copper or 14-gauge aluminum;
- (b) on structures not exceeding sixty feet in height, weigh,
 - (i) if of copper, not less than three ounces a linear foot, and
 - (ii) if of aluminum, not less than two ounces a linear foot; and
- (c) on structures exceeding sixty feet in height, weigh,
 - (i) if of copper, not less than four ounces a linear foot, and
 - (ii) if of aluminum, not less than 2.75 ounces a linear foot.

(2) Where a structure consists of sections of different heights, the cable protecting each section shall weigh at least as much as the cable required for separate structures of the same respective heights. R.R.O. 1970, Reg. 559, s. 4.

5.—(1) Joints in cable conductors and connections to cable conductors shall withstand a pull of 200 pounds and provide permanent electrical contact.

(2) A straight cable connection shall be made with a connector of at least 17-gauge malleable copper or copper alloy or 14-gauge aluminum and shall be of such design as ensures contact of the connector with at least three inches of each of the interconnected cables.

(3) A T or Y cable connection shall be made,

- (a) with a connector of at least 17-gauge malleable copper or copper alloy or 14-gauge aluminum and shall be of such design as ensures contact of the connector with at least one inch of the continuous run of cable and,
 - (i) where the connector is bolted, ensures contact with at least two inches of the branch cable, or
 - (ii) where the connector is crimped, ensures contact with at least three inches of the branch cable; or

(b) by unravelling at least ten inches of the end of one cable and dividing it into two equal or nearly equal parts and tightly wrapping the two parts in opposite directions around and along the other cable and securing the ends of the wires against becoming loose.

(4) Where two cables cross each other, they shall be bonded by a crimped, bolted or riveted connector fitted snugly around both cables or by wrapping them together at the intersection with not less than four loops of 14-gauge or larger wire. R.R.O. 1970, Reg. 559, s. 5.

6.—(1) Except as provided in subsections 48 (2) and (3), strap conductors shall be at least 17-gauge copper or 14-gauge aluminum, not less than 1½ inches wide on buildings and structures not exceeding sixty feet in height, and not less than two inches wide on buildings and structures exceeding sixty feet in height.

(2) Holes in strap conductors to accommodate bolts, rivets and screws shall be spaced at least three-quarters of an inch from centre to centre and at least one-quarter of an inch from the edges of the strap.

(3) When used to ground or interconnect metallic bodies, strap conductors shall have only such holes as are necessary for fasteners, connections and adjustment of the strap. R.R.O. 1970, Reg. 559, s. 6.

7.—(1) A straight, T or Y strap connection shall be made by means of at least two bolts or two rivets and with an overlap equal to the width of the strap.

(2) Where two strap conductors cross, they shall be bonded by means of a bolt or rivet.

(3) Rivets and bolts used in making strap connections shall be of at least one-quarter of an inch in diameter and of suitable length to ensure a tight connection. R.R.O. 1970, Reg. 559, s. 7.

8.—(1) A T or Y connection shall be made,

(a) between a continuous run of cable and a strap conductor,

(i) with a connector tightly fitted around at least one inch of the cable and secured to the strap conductor by one bolt or two rivets, or

(ii) by bolting or rivetting the strap conductor around and in tight contact with the cable; and

(b) between a branch cable and a strap conductor with a connector,

(i) tightly fitted around at least two inches of the cable, if the connector is bolted, or at least three inches, if it is crimped, and

(ii) secured to the strap conductor by one bolt or two rivets.

(2) A cross connection between a cable and a strap conductor shall be made by means of a 17-gauge copper, or 14-gauge aluminum, connector,

(a) shaped to fit over the cable; and

(b) secured to the strap conductor by means of bolts or rivets. R.R.O. 1970, Reg. 559, s. 8.

9. Except as provided in subsection 49 (2) and subsection 50 (2), extended metal attachments or metal parts of buildings and structures shall not be substituted for conductors unless the metal is permanently electrically continuous and consists of copper, copper alloy or aluminum with an exposed area of at least eight inches in width throughout its length or a solid cross-sectional area of at least $1\frac{1}{2}$ square inches, but, for monuments or similar structures, heavy and extensive parts consisting of other conducting metals and weighing at least three pounds a linear foot may be used instead of conductors. R.R.O. 1970, Reg. 559, s. 9.

10.—(1) Except as provided in subsection 49 (2) and subsection 50 (2), conductors shall be coursed over roofs and along roof-ridges and parapets so as to interconnect the air-terminals in as direct a path as is practicable and over the eaves in as direct a path as is practicable to the best locations for ground connections, but, where the nature or construction of a roof is

such that it is difficult or objectionable to make attachments to the roof, the conductor may be coursed on the facing-board parallel to the roof, and a connection shall be made near the eaves between any metal eaves-trough and the conductor, and in the case of metal roofs, between the metal eaves and the conductor.

(2) There shall be at least two down-conductors on each building and structure except flag poles, masts, similar slender objects and silos that do not require more than one grounding under subsection 53 (3).

(3) On flat roofs, conductors shall be coursed within two feet of the edges of the roof or on the parapets, but on flat roofs of dormers, conductors are not required within two feet of eaves that are less than fifty feet in length.

(4) On a flat roof, in addition to conductors within two feet of the edges of the roof or on the parapets, conductors shall be coursed over the roof so that there are parallel conductors not more than fifty feet apart,

(a) in one direction if the shorter dimension of the roof is more than fifty feet but less than 100 feet; and

(b) in two directions if the shorter dimension is 100 feet or more. R.R.O. 1970, Reg. 559, s. 10.

11.—(1) No dead-end conductor shall exceed sixteen feet in length.

(2) No conductor shall be electrically insulated from the building or structure on which it is installed.

(3) Except as provided in subsection 31 (2) for the protection of groundings from corrosion, no conductor shall be run through metal pipe other than pipe of copper, copper alloy or aluminum, and the conductor shall be electrically connected to each end of the pipe.

(4) No conductor shall be coursed across a roof-slope near the eaves or in any other location where snow or ice might dislodge or damage the conductor.

(5) No conductor shall be suspended for a distance of more than four feet without adequate intermediate support.

(6) Any conductor around a chimney, eaves or other projecting part of a structure shall not be coursed abruptly, but shall be coursed on an open curve or angle.

(7) Where practicable, no conductor shall be less than six feet from metal frames and cases of electrical equipment, metal conduits and other metal raceways, but if a separation of six feet is not practicable, they shall be interconnected with the conductor.

(8) Where practicable, no conductor shall be within six feet of,

- (a) exposed electric or telephone wires; or
- (b) radio or television antennae.

(9) No conductor shall be within six feet of a tank containing a flammable liquid or gas. R.R.O. 1970, Reg. 559, s. 11.

12. Conductors shall be coursed neatly and sufficiently tight to present a good appearance, but on grain elevators and other structures subject to physical deformation through cycles of loading and unloading, the conductors shall have sufficient flexibility to guard against breakage. R.R.O. 1970, Reg. 559, s. 12.

13. Conductors shall be coursed so that there is not a rise of more than ten inches from any point in the conductor to any other point in the conductor in reaching at least one grounding, except that in the case of dead-end conductors there shall not be more than a six-inch rise, and in no case shall there be a rise of more than one inch in any two inches horizontally. R.R.O. 1970, Reg. 559, s. 13.

14. Where practicable, no conductor shall be within six feet of metal stalls, stanchions, litter-carrier tracks, pipes, posts, beams, water-tanks, stoves, furnaces or other interior metal objects, but if it is within six feet the conductor shall be connected to them, as prescribed in section 45. R.R.O. 1970, Reg. 559, s. 14.

15. Where a cupola, ventilator or other obstruction prevents a straight run of conductor, the conductor shall be coursed horizontally around the obstruction and, where the obstruction is of size or design requiring more than one air-terminal, the conductor shall also be coursed over the obstruction. R.R.O. 1970, Reg. 559, s. 15.

DOWN-CONDUCTORS

16.—(1) On rectangular buildings and structures with roofs other than flat roofs there shall be at least two down-conductors, and, if the structure is more than 100 feet in length, there shall be an additional down-conductor for each sixty feet or part thereof in excess of 100 feet.

(2) On rectangular buildings and structures with flat roofs there shall be at least two down-conductors

and, where the perimeter of the building is more than 200 feet, there shall be an additional down-conductor for each 100 feet or part thereof in excess of 200 feet. R.R.O. 1970, Reg. 559, s. 16.

17.—(1) On buildings with L, T or off-set wing portions, conductors shall be provided for the main portion as if it were independent of the wing portions, but, where practicable, the down-conductors on the main portion may serve as down-conductors for the wing portions by connecting the conductors on the wing portions to them.

(2) A wing portion of a building having its roof-ridge on the same level as, or less than five feet below, the roof-ridge of the main portion, measured along the roof-slope, shall have an additional down-conductor for each eighty feet of length or part thereof, measured along the wall or foundation, and the conductors on the wing portion and the main portion shall be interconnected at the junction of the two ridges.

(3) Except as provided in section 54, a wing portion of a building having its roof-ridge more than five feet below the roof-ridge of the main portion, measured along the roof-slope, shall have two down-conductors and, where the wing portion is more than 100 feet in length, measured along the wall or foundation, the wing portion shall have an additional down-conductor for each sixty feet of length or part thereof in excess of 100 feet and, where the roof-ridge of a wing portion intersects the upper half of a main roof, the conductor on the ridge of the wing portion shall be connected with the conductor on the ridge of the main portion. R.R.O. 1970, Reg. 559, s. 17.

18.—(1) Where the roof-ridge of the interconnecting portion of an H-shaped building is not more than ten inches below the roof-ridges of the main portions of the building, the roof-ridge of the interconnecting portion shall have a down-conductor if its roof-ridge extends more than 100 feet, and an additional down-conductor if the roof-ridge extends more than 140 feet.

(2) Where the roof-ridge of the interconnecting portion of an H-shaped building is more than ten inches below the roof-ridges of the main portions of the building, the roof-ridge of the interconnecting portion shall have a down-conductor and, if the roof-ridge extends more than sixty feet, an additional down-conductor for each sixty feet of interconnecting roof-ridge or part thereof in excess of sixty feet. R.R.O. 1970, Reg. 559, s. 18.

19.—(1) Down-conductors on schools shall be protected from damage or displacement by means of wood in the form of moulding, box or trough extending to a height of at least ten feet from the ground and securely fastened to the wall,

- (a) on wood, by at least two metal straps and screws; and
 - (b) on brick or masonry, by two metal straps and screws in lead anchors.
- (2) On barns and other buildings where down-conductors are likely to be displaced or damaged by live stock or vehicles, the down-conductors shall be protected against displacement or damage. R.R.O. 1970, Reg. 559, s. 19.

FASTENERS

20.—(1) Conductors shall be securely attached in place with fasteners suitable for the type and size of conductor and the nature of the structure.

(2) Lead may be used for anchors in brickwork or masonry but wedges of wood shall not be used as anchors for fasteners.

(3) Fasteners shall consist of straps and screws, screw-shank fasteners, fan-shank fasteners and drive-shank fasteners, and each fastener shall when installed, be capable of withstanding a direct pull of 100 pounds.

(4) Where the use of a fastener mentioned in subsection (3) might result in damage to a roof, a cast fastener that is affixed to the roof with a suitable adhesive may be used if the fastener is capable of withstanding a direct pull of 50 pounds and is provided with a fork of substantial construction that can be closed around a cable by bending without causing cracks in the metal.

(5) Strap conductors shall be securely supported in place,

- (a) on wood, by means of screw-nails or drive-screws spaced at intervals of not more than six feet if installed in pairs and not more than three feet if installed singly; and
 - (b) on brick or other masonry, by means of expansion-screws at least one-quarter of an inch in diameter screwed into anchors and spaced at intervals as provided in clause a.
- (6) Strap fasteners shall be at least 20-gauge copper or 18-gauge aluminum and at least 0.4 inch in width and shaped to fit snugly over the conductor.

(7) Strap fasteners shall be secured in place,

- (a) in wood, by two screw-nails or drive-screws at least five-eighths of an inch in length or by straight nails at least $1\frac{1}{8}$ inches long and coated with an asphalt base, cement or other substance that provides a permanent installation; or

- (b) in brick or masonry, by screws in anchors. R.R.O. 1970, Reg. 559, s. 20.

21.—(1) Shank-type fasteners shall be provided with a fork of substantial construction that can be closed by bending without causing cracks in the metal.

(2) The shank of screw-fasteners shall be,

- (a) in wood, equivalent to a No. 10 wood-screw $1\frac{1}{4}$ inches in length; and
- (b) in brickwork or masonry, at least one-quarter of an inch in diameter and of sufficient length to provide a permanent installation.

(3) The shank of fan-shank fasteners shall be approximately one-half of an inch wide at the narrowest point and at least one-tenth of an inch thick and three inches long.

(4) The shank of drive-shank fasteners shall be ribbed or barbed to grip the hole when driven in or so constructed that the shank expands in the hole or anchor when driven or tamped into place. R.R.O. 1970, Reg. 559, s. 21.

22. Except as provided in subsection 20 (5) and in section 23, fasteners are required,

- (a) within six inches of all air-terminal connections to the conductor;
- (b) within six inches of every interconnection of conductors;
- (c) on down-conductors within three feet of ground level and within four feet of the eaves;
- (d) on conductors, within twelve inches of the eaves and above the eaves;
- (e) at or within twelve inches of all principal turns in the conductor;
- (f) at intermediate points so that no space between fasteners exceeds six feet; and
- (g) independent of non-permanent attachments to or on buildings and structures. R.R.O. 1970, Reg. 559, s. 22.

WHERE FASTENERS MAY BE OMITTED

23. Fasteners are not required in such numbers and at such intervals as prescribed in section 22,

- (a) where structural features make the fasteners unnecessary;

- (b) where excessive damage to the building or structure would result;
- (c) where the conductor is concealed under roofing or other cover; or
- (d) where corrugated tile or other roof materials form a suitable channel for the conductor,

if the conductor is supported and secured so that it will not be displaced or damaged. R.R.O. 1970, Reg. 559, s. 23.

AIR-TERMINALS

24.—(1) Air-terminal tubing shall consist of 20-gauge copper or copper alloy or 18-gauge aluminum.

(2) Air-terminal rods of copper or copper alloy shall be seven-sixteenths of an inch in diameter, and air-terminal rods of aluminum shall be one-half of an inch in diameter. R.R.O. 1970, Reg. 559, s. 24.

25. The minimum height of air-terminals shall be,

- (a) on flag poles, masts, spires and similar objects and parts of structures, nine inches above the top of the object or part;
- (b) on roof-ridges and roof-parapets of combustible materials, twelve inches above the roof-ridges and roof-parapets, and, where the roof and roof-ridge or the parapet are of non-combustible material, nine inches above them;
- (c) on flat roofs, twelve inches above them, if within two feet of the edges, and eighteen inches on intermediate conductors on the roof;
- (d) on or beside chimneys, ventilators or cupolas, twelve inches above the top; and
- (e) on silos, twelve inches above them. R.R.O. 1970, Reg. 559, s. 25.

26. Air-terminals shall be installed,

- (a) within twice the height of the air-terminal from each exposed gable and each corner of a flat roof, roof-deck or parapet;
- (b) within twice the height of the air-terminal, not exceeding six feet in distance, from the outer corners on a flat roof on a dormer where,
 - (i) the junction of the dormer roof and the main roof is less than three feet vertically below the main ridge, and

- (ii) the dormer roof extends more than six feet horizontally from its junction with the main roof;

- (c) within twice the height of the air-terminal, not exceeding six feet in distance, from the gable of a dormer having a roof-ridge less than three feet vertically below the main ridge or extending more than six feet horizontally from the upper half of the main roof or more than eight feet horizontally from the lower half;
- (d) on or within twelve inches of each non-metallic projection above the roof or parapet;
- (e) on or beside chimneys so that the distance from any part of the top of the chimney to an air-terminal is not greater than twice the height of the air-terminal, but not exceeding thirty inches, above the top of the chimney;
- (f) within twelve inches of a stove-pipe projecting through a roof;
- (g) along roof-ridges, the edges of flat roofs and parapets at intervals not exceeding ten times the combined heights of the two adjacent air-terminals, but in no case exceeding twenty-five feet; and
- (h) along intermediate conductors on flat roofs at intervals not exceeding fifty feet. R.R.O. 1970, Reg. 559, s. 26.

27. Air-terminals are not required on heavy smokestacks or other permanent metal projections but the projections shall be bonded to the conductor. R.R.O. 1970, Reg. 559, s. 27.

28.—(1) Air-terminal connections shall withstand a pull of fifty pounds.

(2) Connections to metal roofs shall be made by means of metal plates or straps,

- (a) to which the air-terminal is brazed, bolted or riveted;
- (b) having not less than nine square inches in tight contact with the roof-metal; and
- (c) securely fastened to the roof by means of screws or rivets.

(3) Connections to strap conductors shall be by bolts or rivets. R.R.O. 1970, Reg. 559, s. 28.

29.—(1) Air-terminals shall be securely supported in position by braces, brackets or other appropriate devices.

(2) Braces shall,

- (a) be made of at least 15-gauge copper or copper alloy or 14-gauge aluminum strap, not less than $1\frac{1}{4}$ inches in width, or copper, copper alloy, aluminum or galvanized-iron rods not less than one-quarter of an inch in diameter, and have at least three legs;
- (b) not exceed forty inches in height and if over eighteen inches in height have two guides for the air-terminals;
- (c) be held in position on wood by means of two screws in each foot; and
- (d) be held in position on concrete roofs, brick parapets and other masonry by means of an expansion-screw in a lead or equivalent anchor in each foot.

(3) Brackets shall be,

- (a) made of copper, copper alloy or aluminum;
- (b) designed to fit into air-terminal tubes for a distance of at least two inches; and
- (c) attached to chimneys or other masonry surfaces by substantial fasteners, and to wood surfaces by at least three screws not less than $1\frac{1}{4}$ inches in length.

(4) For the purpose of this section appropriate devices other than braces and brackets are,

- (a) copper straps and bolts or rivets encircling the supporting object;
- (b) fasteners prescribed in subsection 20 (7); or
- (c) substantial cast footings, if the air-terminal is not more than two feet in height and,
 - (i) where the air-terminal is tubular, it is tightly crimped to a dowel two inches in length, or
 - (ii) where the air-terminal is solid, it is screwed into the footing to a depth of at least one inch. R.R.O. 1970, Reg. 559, s. 29.

GROUNDINGS

30. Except as provided in subsection 55 (3), groundings shall consist of copper cable, copper or copper-clad steel rods not less than one-half of an inch in diameter, galvanized steel rods not less than five-eighths of an inch in diameter or copper plates. R.R.O. 1970, Reg. 559, s. 30.

31.—(1) Groundings shall be spaced around buildings and structures so that the conductor can be coursed over the eaves to the groundings as directly as is practicable.

(2) Groundings shall not be so located as to be subject to corrosion by barn-yard seepage or chemicals unless the groundings are protected by a solid lead pipe or tube from a point at least twelve inches above to a depth of three feet below the ground level, with the top end so sealed as to make it moisture-proof.

(3) Groundings shall not be within six feet of any gas main, gas tank, oil tank, gasoline tank or groundings for electric equipment or electric-wiring systems, but underground water pipes may be used as a common grounding.

(4) Auxiliary groundings shall be so installed as to make use of the greatest area of soil. R.R.O. 1970, Reg. 559, s. 31.

32.—(1) In addition to groundings prescribed in section 31, where an underground water pipe is available, a down-conductor shall be connected to it underground and outside any building.

(2) When a grounding is installed with a drive-bar or with a soil-auger, the hole surrounding the grounding shall be filled and tamped with dry soil or soil mixed with water to the consistency of thin mud.

(3) Coke, cinders or salt shall not be placed around groundings.

(4) Connections of ground-rods to copper down-conductors shall be made between six inches and twelve inches below ground, and connections of ground-rods to aluminum down-conductors shall be made between six inches and twelve inches above ground.

(5) Groundings connected to aluminum down-conductors shall be galvanized-steel ground-rods.

(6) Connectors for groundings shall be,

- (a) copper or copper alloy for copper conductor; and
- (b) aluminum or galvanized iron for aluminum conductor. R.R.O. 1970, Reg. 559, s. 32.

33.—(1) A down-conductor shall be connected to a ground-rod by a clamp or clamps secured in tight contact with at least three inches of both the down-conductor and the ground rod by bolts or set screws.

(2) An interconnection of auxiliary groundings or a connection of an auxiliary grounding to a main grounding shall be made as prescribed in section 5.

(3) A connection to a water-pipe shall be made by means of a clamp bolted tight around the pipe after removal of rust and scale.

(4) A connection to a copper plate shall be made by rivets, bolts or solder. R.R.O. 1970, Reg. 559, s. 33.

34. In deep soil consisting chiefly of clay, including clay loam, groundings shall be made,

- (a) by extending cable or ground-rods into the ground to a vertical depth of at least ten feet;
- (b) by extending cable or ground-rods down to a depth of at least six feet, and adding an auxiliary grounding; or
- (c) by covering cable in a trench for a distance of at least twelve feet and at a depth of at least two feet throughout its length. R.R.O. 1970, Reg. 559, s. 34.

35. In deep soil consisting chiefly of sand, gravel and stones, including sandy loam, groundings shall be made,

- (a) by extending cable or ground-rods into the ground to a vertical depth of at least ten feet and adding an auxiliary grounding; or
- (b) by covering cable in a trench for a distance of at least twelve feet and at a depth of at least two feet throughout its length and adding an auxiliary grounding. R.R.O. 1970, Reg. 559, s. 35.

36. In soil consisting chiefly of clay, including clay loam, where hard-pan or bed-rock is near the surface, groundings shall be made,

- (a) if the hard-pan or bed-rock is at least two feet below the surface, by covering cable in a trench for a distance of at least twelve feet;
- (b) if the hard-pan or bed-rock is at least twelve inches but less than two feet below the surface, by covering cable in a trench for a distance of at least twelve feet and adding an auxiliary grounding; or
- (c) if the hard-pan or bed-rock is less than twelve inches below the surface, by covering cable in a trench for a distance of at least twelve feet and adding two auxiliary groundings. R.R.O. 1970, Reg. 559, s. 36.

37. In soil consisting chiefly of sand, gravel and stones, including sandy loam, where hard-pan or bed-rock is near the surface, groundings shall be made,

- (a) if the hard-pan or bed-rock is at least two feet below the surface, by covering cable in a trench for a distance of at least twelve feet and adding an auxiliary grounding;
- (b) if the hard-pan or bed-rock is at least twelve inches but less than two feet below the surface, by covering cable in a trench for a distance of at least twelve feet and adding two auxiliary groundings; or
- (c) if the hard-pan or bed-rock is less than twelve inches below the surface, by connecting all the down-conductors to a cable laid in a trench encircling the structure at a distance of at least two feet from the walls and adding two well separated auxiliary groundings to the encircling cable for each down-conductor. R.R.O. 1970, Reg. 559, s. 37.

38. When quicksand is encountered, if a depth of ten feet cannot be attained, the groundings shall be made by extending them down to the quicksand and adding an auxiliary grounding. R.R.O. 1970, Reg. 559, s. 38.

39. An auxiliary grounding shall be,

- (a) cable laid for a distance of twelve feet in a trench, or laid for a distance of at least six feet in a trench and then extended to a vertical depth of ten feet below the surface of the earth, or to a depth equal to the depth of the main grounding to which it is connected, but not less than six feet where a depth of ten feet cannot be reached, except that the vertical portion may be a ground-rod; or
- (b) a copper plate not less than one-sixteenth of an inch in thickness and not less than three square feet in area on each side, embedded in a depth of twelve inches of well-packed powdered charcoal. R.R.O. 1970, Reg. 559, s. 39.

40. A trench, for the purpose of installing groundings and auxiliary groundings, shall be at least two feet in depth throughout its length or down to hard-pan or bed-rock. R.R.O. 1970, Reg. 559, s. 40.

41. Notwithstanding that a certificate of installation in Form 5 has been signed by the person who installed lightning rods and by the owner or his agent, the electrical resistance of the interconnected groundings in parallel shall not exceed 50 ohms. R.R.O. 1970, Reg. 559, s. 41.

INTERCONNECTION AND GROUNDING OF METALLIC BODIES

42.—(1) Metal on the exterior of a roof shall,

- (a) if vertical,
 - (i) on a flat roof, or
 - (ii) on a sloped roof and extending above the roof-ridge or the highest edge of the roof slope or more than fifteen inches above its junction with the roof,

be connected to the conductor or other grounded metal;

- (b) if a water-tank, bell or other compact metallic body, be connected to the conductor, except where it has an independent grounding and is ten feet from the conductor;
- (c) if linear along roof-ridges, parapets, cornices or other exposed locations, be connected to the conductor or other grounded metal; or
- (d) if an extension to a chimney, be connected to the conductor.

(2) Metal roofs, including isolated metal sections, shall be grounded. R.R.O. 1970, Reg. 559, s. 42.

43.—(1) Metal on the exterior of the walls of a building or structure shall,

- (a) if the metal is a rain spout, guy-wire, support of a litter-carrier track, or other vertical metal, except metal conduits provided for in subsection 11 (7), be grounded from its lower end and connected from its upper end to conductors within six feet and metal roofs within two feet; or
- (b) if the metal is a door track or other horizontal metal, less than twelve feet in length, be connected to conductors within four feet, and more than twelve feet in length, be connected to conductors within six feet.

(2) Metal siding, including isolated sections, shall be grounded. R.R.O. 1970, Reg. 559, s. 43.

44.—(1) Metal projecting through a flat roof shall be connected from its junction with the roof to the conductor or other grounded metal and, where practicable, shall be grounded from its lower end within the building.

(2) Metal projecting through a sloped roof and extending above the roof-ridge or the highest edge of the roof slope or more than fifteen inches above

its junction with the roof shall be connected from its junction with the roof to the conductor or other grounded metal and, where practicable, shall be grounded from its lower end.

(3) Metal projecting through the upper half of a one-storey wall or if more than twelve feet above ground level through a higher wall shall be connected from the point where it emerges from the building to a conductor or other grounded metal, and where practicable, shall be grounded from its lower or farther end within the building.

(4) Metal projecting through the lower half of a one-storey wall or if less than twelve feet above ground level through a higher wall, shall, where practicable, be grounded from its lower or farther end within the building, and shall,

- (a) be connected from the point where it emerges from the building to the conductor or other grounded metal within six feet; or
- (b) if the metal is a litter-carrier track more than six feet from a conductor, be connected to an independent grounding. R.R.O. 1970, Reg. 559, s. 44.

45. Metal inside a structure and within six feet of a conductor shall,

- (a) if shafting, stanchions, litter-carrier track or horizontal pipe, be connected to conductors within six feet, where practicable, and have an independent grounding for each 100 linear feet or part thereof;
- (b) if a ventilating shaft, pipe or other vertical metal, be grounded from its lower end and, where practicable, connected at or near the top of the metal to conductors within six feet;
- (c) if a hay-fork track, be connected to a conductor from each end that is less than six feet from an exposed wall of the structure, and have a connection to a conductor or an independent grounding in any case; or
- (d) if a water-tank, engine or other heavy compact stationary metal body, be connected to conductors within six feet, where practicable, and have an independent grounding. R.R.O. 1970, Reg. 559, s. 45.

46.—(1) Metal within a structure and not within six feet of or connected to a conductor shall,

- (a) if a litter-carrier track, have an independent grounding for each 100 feet or part thereof;
- (b) if pipes, stanchions or enclosed stalls, have an independent grounding for each pipe,

stanchion or stall or for each 100 feet or part thereof of interconnected pipes, stanchions and stalls, measured along the pipes, heads of the stanchions and perimeters of the stalls;

- (c) if a hay-fork track, have an independent grounding or be connected to a conductor from an end of the track; or
- (d) if a water-tank, engine or other stationary heavy compact metal body, have an independent grounding.

(2) Where the electrical continuity of milking-machine pipes is broken by the insertion of rubber hose or other insulating material, the break in the continuity shall not be bridged. R.R.O. 1970, Reg. 559, s. 46.

47.—(1) Independent groundings for rain-spouts and for other metal bodies more than six feet from and not connected to a conductor shall be equivalent to at least 50 per cent of groundings prescribed in sections 33 to 40, and a depth of six feet shall be deemed to be one-half of the value of a depth of ten feet and the value of a conductor in a trench shall be proportional to the length of the trench.

(2) Independent groundings for metal bodies connected to a conductor or less than six feet from a conductor shall be as prescribed in sections 33 to 40. R.R.O. 1970, Reg. 559, s. 47.

CONDUCTING MATERIALS AND METHODS FOR GROUNDING METAL BODIES

48.—(1) Connections of metal bodies to conductors, metal roofing or metal siding shall be made with cable or strap.

(2) Interconnections of metal bodies not connected to conductors, metal roofing or metal siding, and connections of metal bodies to independent groundings shall be made with,

- (a) at least one 6-gauge copper wire or one 4-gauge aluminum wire;
- (b) twisted or braided wires of gauges prescribed in subsection 4 (1) and of half the weight prescribed in subsection 4 (2) for cable; or
- (c) metal strap at least three-quarters of an inch in width.

(3) Connections to independent groundings of rain-spouts and of metal bodies that are connected to conductors, metal roofing or metal siding shall be made with cable or strap of at least 17-gauge copper or 14-gauge aluminum and the straps shall be not less than one inch in width.

(4) Connectors and methods of installation used to make connections of conductors to metal objects shall be such as will ensure permanently tight contact between the conductor and the metal object.

(5) Except,

(a) as provided in section 13; and

(b) for hay-fork tracks connected in an upward path where they are grounded from both ends,

conductors used to ground metal bodies specified in sections 42 to 47 shall be coursed throughout their length in a horizontal or downward path from the metal body. R.R.O. 1970, Reg. 559, s. 48.

49.—(1) Metal roofs shall be provided with air-terminals as prescribed in section 26.

(2) A conductor shall be coursed over a metal roof in the same manner as over a roof other than of metal, but coursing is not required where a metal roof is grounded by conductors attached to the eaves or to grounded metal siding if the roof and siding are in good electrical contact or the eaves and siding are interconnected in at least three places at intervals not exceeding forty feet.

(3) A metal-roof slope or interconnected metal-roof slopes, when grounded through conductors attached to the eaves, shall have two down-conductors if the length of the eaves or interconnected eaves exceeds thirty feet and three down-conductors if the length exceeds 100 feet.

(4) Where groundings are connected to metal siding only, they shall be installed at the main corners of the building or structure and at intervals not exceeding 100 feet measured horizontally along the metal siding.

(5) Connections of down-conductors to metal eaves or metal siding shall be made,

- (a) if the down-conductors are cable, by means of metal plates,
 - (i) shaped to fit over and in tight contact with at least three inches of the cable,
 - (ii) secured in tight contact with at least nine square inches of the eaves or siding by means of six bolts, rivets or screws, and
 - (iii) with the ends of the wires turned back over the edge of the metal plate; or

- (b) if the down conductors are strap, by securing at least nine square inches of the strap in tight contact with the eaves or siding by means of four bolts, rivets or screws.

(6) Connections of conductors, other than down-conductors, to metal roofs and metal siding shall be made,

- (a) if the conductor is cable, by means of metal plates,
 - (i) shaped to fit over and in tight contact with at least two inches of the cable,
 - (ii) secured in tight contact with at least six square inches of the eaves or siding by means of four bolts, rivets or screws, and
 - (iii) with the ends of the wires turned back over the edge of the metal plate; or
- (b) if the conductor is strap, by securing at least six square inches of the strap in tight contact with the eaves or siding by means of three bolts, rivets or screws.

(7) Where,

- (a) a copper conductor is coursed over an aluminum roof or siding;
- (b) an aluminum conductor is coursed over a copper roof or siding;
- (c) a copper air-terminal support is attached to an aluminum roof; or
- (d) an aluminum air-terminal support is attached to a copper roof,

the copper and aluminum shall be separated under all fasteners and air-terminal supports by sheet lead of at least one-sixteenth of an inch in thickness or by galvanized iron of at least 28-gauge.

(8) Where,

- (a) a copper air-terminal is attached to an aluminum roof;
- (b) an aluminum air-terminal is attached to a copper roof;
- (c) a system is grounded by attaching copper conductors to an aluminum roof at the eaves or siding; or
- (d) a system is grounded by attaching aluminum conductors to a copper roof at the eaves or siding,

the copper and aluminum shall be separated by galvanized iron of at least 28-gauge. R.R.O. 1970, Reg. 559, s. 49.

50.—(1) Independent metal trusses or other units of framework of a building or structure shall be grounded from the lower end and be connected from the upper end to conductors, metal roof or metal siding if within six feet thereof.

(2) Steel-frame or skeleton-steel buildings and structures may be equipped with air-terminals connected to the grounded steel frame. R.R.O. 1970, Reg. 559, s. 50.

51.—(1) Metal bodies in, on or projecting from metal-roofed and metal-clad buildings and structures shall be connected, interconnected and grounded as prescribed in sections 42 to 47, but connections may be made to the metal roof or metal siding instead of to conductors.

(2) All parts of metal roofs and metal siding shall be bonded and grounded, but if more than six feet apart may be grounded independently. R.R.O. 1970, Reg. 559, s. 51.

MISCELLANEOUS STRUCTURES

52. Flag poles, radio masts, television masts, towers, spires and smoke-stacks may be equipped with a system independent of the structure of which they are a part or on which they are erected but, if the structure is equipped with a system, the systems shall be interconnected. R.R.O. 1970, Reg. 559, s. 52.

53.—(1) Where a silo,

- (a) is within four feet of a building and extends above the adjacent roof-line; or
- (b) is within eight feet of a building, and has a wall or roof of combustible construction in whole or in part, and extends above the adjacent roof-line,

the silo shall be part of the building for the purposes of the Act.

(2) Air-terminals shall be installed on silos as follows:

1. On conical or pointed roofs, one air-terminal.
2. On ridge-roofs and roofs with dormers, as prescribed in section 26.
3. On open silos, two or more air-terminals spaced not more than twenty-five feet apart, measured around the outside of the wall, and interconnected by cable or strap.

(3) Conductors on silos may have separate groundings or be connected to a conductor on an adjacent building or structure, or both, and if a silo has an outside diameter of more than fourteen feet or extends more than four feet above the nearest point of the adjacent roof-line, it shall have at least two groundings. R.R.O. 1970, Reg. 559, s. 53.

54. An annex is a part of the building or structure for purposes of the Act, except where,

- (a) it is not more than eight feet in height, including chimneys, vents and other projections, that are outside a cone of protection;
- (b) its height plus the distance it extends from the main building or structure is not greater than the height of the adjoining wall of the main building or structure; or
- (c) it is wholly within a cone of protection. R.R.O. 1970, Reg. 559, s. 54.

55.—(1) Fence wires, metal clothes-lines, metal guy-wires and similar wires shall be disconnected or electrically insulated from a building or structure or shall be grounded.

(2) Where a wire is connected to a conductor on a building or structure, it shall also have an independent grounding at the end remote from the building or structure.

(3) Independent groundings for wires shall be at least 10-gauge copper wire extended to a depth of six feet or laid in six feet of trench, or its equivalent.

(4) Connections of wires to conductors or groundings shall be made with at least 10-gauge copper wire or 8-gauge aluminum wire, or their equivalent. R.R.O. 1970, Reg. 559, s. 55.

56.—(1) The seal mentioned in subsection 12 (2) of the Act shall be a metal disc having a looped copper wire running through it, which shall be attached to each down-conductor.

(2) One side of the seal shall bear the name "Fire Marshal of Ontario" and the number of the Inspector and the year of the inspection, and the other side shall bear the words:

"This installation is at the time of inspection in conformity with the *Lightning Rods Act* and the regulations". R.R.O. 1970, Reg. 559, s. 56.

APPLICATIONS AND LICENCES

57. An application for a licence to offer for sale, sell and install lightning rods shall be in Form 1. R.R.O. 1970, Reg. 559, s. 57.

58. A licence to offer for sale, sell and install lightning rods shall be in Form 2. R.R.O. 1970, Reg. 559, s. 58.

59. An application for a licence to act as an agent to offer for sale, sell and install lightning rods shall be in Form 3. R.R.O. 1970, Reg. 559, s. 59.

60. A licence to act as agent to offer for sale, sell and install lightning rods shall be in Form 4. R.R.O. 1970, Reg. 559, s. 60.

CERTIFICATE OF INSTALLATION

61. A certificate of installation as required by section 10 of the Act shall be in Form 5. R.R.O. 1970, Reg. 559, s. 61.

REPORT OF INSPECTOR

62. The report of the Inspector mentioned in subsection 12 (1) of the Act shall be in Form 6. R.R.O. 1970, Reg. 559, s. 62.

Form 1

Lightning Rods Act

APPLICATION FOR LICENCE

To the Fire Marshal of Ontario,
Legislative Buildings, Toronto.

1. Under the *Lightning Rods Act* and the regulations,

.....
(name of company, firm or person)
of
(address of office or place of business)

applies for a licence to offer for sale, sell and install lightning rods during the year 19....

2. The following is a statement of the specifications of the lightning rods to be sold and installed in the year 19....

.....
(signature of applicant)
.....
(authority or position)

SWORN STATEMENT

County of	In the matter of the <i>Lightning Rods Act</i> and
Province of	In the matter of the foregoing application for a licence,
Ontario	

I,
of
(address)

make oath and say:

1. That I am
(owner, partner or officer)
- of
(name of firm or corporation)
2. That the amount received from the sale of lightning rods in Ontario during the previous licence year was \$.....

Sworn before me at
this.....day of....., 19....

A Commissioner, etc.

R.R.O. 1970, Reg. 559, Form 1.

Form 2

Lightning Rods Act

LICENCE

For the year 19.... No.....

Under the *Lightning Rods Act* and the regulations, and subject to the limitations thereof, this licence is issued to

.....
(name)
.....
(address)

to offer for sale, sell and install until the 31st day of December next the following lightning rods:

Dated at Toronto, this....day of....., 19....
.....
Fire Marshal

R.R.O. 1970, Reg. 559, Form 2.

Form 3

Lightning Rods Act

APPLICATION FOR AGENT'S LICENCE

To the Fire Marshal of Ontario,
Legislative Buildings, Toronto.

The undersigned, a licensee under section 3 of the Act for the year 19....., hereby applies for a licence for

.....
(name in full)
.....
(post office address of residence in full)
.....
(post office address of place of business in full)

to act as agent of the licensee until the 31st day of December next.

Appended hereto is a statement in writing from the proposed agent.

.....
(name of licensee)
.....
(signature of person signing for and on behalf of licensee)

STATEMENT OF PROPOSED AGENT

1. Name in full
(print plainly)
2. Residence
(city or town and street number)
3. Place of business
(city or town and street number)
4. Are you a member of a firm or partnership or an officer or employee of a corporation that carries on a lightning-rods business?
If so, give particulars
5. Have you been previously licensed as an agent?
.....
If so, in what year were you last licensed?
6. Give the names of all lightning-rods firms, partnerships or corporations with which you have been connected, and state when.....
.....
.....
.....

7. Are you indebted to any licensee under section 3 of the Act for whom you have acted as agent?
.....
If so, give particulars.....

8. Have you ever been refused a licence under the *Lightning Rods Act* or any predecessor thereof?
.....

9. Has your licence under either Act ever been suspended or revoked?.....

Date....., 19...
.....
(signature)

R.R.O. 1970, Reg. 559, Form 3.

Form 4

Lightning Rods Act

AGENT'S LICENCE

No.....

Under the *Lightning Rods Act* and the regulations and subject to the limitations thereof, this licence is issued to
.....of.....
(name) (address)
to act as agent for
.....of.....
(name) (address)
until the 31st day of December, 19...
Date....., 19...
Fire Marshal

R.R.O. 1970, Reg. 559, Form 4.

Form 5

Lightning Rods Act

CERTIFICATE OF INSTALLATION

I, the undersigned,
(a) as principal, Licence No.....; or
(b) as agent for.....
(name of principal)

Licence No.....
certify:
1. That on the.....day of....., 19.....
(month) (year)
I installed lightning rods as a
.....
(state whether new installation, addition or repair)
on a.....
(kind and name of building or structure)
owned by.....
(name) (address)
located at lot.....concession.....or street address
and Town.....Township.....
County, etc.....

2. That the location of each grounding is marked on the following diagram of the building or structure.

DIAGRAM

3. That the nature and condition of the soil at each grounding, and the method of each grounding are as follows:

Ground- ing	Nature and Condition of Soil	Method of Making Grounding
G1 G2 G3 G4 G5 G6		

4. That the facts shown in this certificate are true and that the installation has been made in accordance with the Act and the regulations.

.....
(signature of person who
installed lightning rods)

I confirmed that the nature and condition of the soil and the method of each grounding are as described.
Date....., 19.....
(day) (month) (year)

.....
(signature of owner or his agent)

R.R.O. 1970, Reg. 559, Form 5.

Form 6

Lightning Rods Act

INSPECTOR'S REPORT

No.....

- 1. Name of principal or agent making installation
.....Licence No.....
- 2. Owner.....P.O. Address.....
- 3. Lot.....concession.....or street address and
Town.....Township.....
County, etc.....
- 4. Building or structure.....
.....
- 5. Description of system.....
(name of licensee)
- 6. Form of conductor.....
- 7. Ohmic resistance of earth terminals of the system
.....

8. The installation does not conform with the Act
and the regulations in the following respects:

.....
.....
.....

9. I consider the following alterations or additions
are necessary to make the installation conform
with the Act and the regulations:.....

.....
.....

10. Diagram of structure

11. Was the system approved by you?.....

12. Date of Inspection.....

Dated at
this.....day of....., 19...
.....

.....
(signature of inspector)

R.R.O. 1970, Reg. 559, Form 6.

REGULATION 578

under the Limited Partnerships Act

GENERAL

- 1.—(1) A declaration shall be in Form 1.
- (2) A declaration of change shall be in Form 2.
- (3) A declaration of dissolution or withdrawal shall be in Form 3.
- (4) A power of attorney shall be in Form 4.

(5) The forms referred to in this section shall be provided by the Registrar of Partnerships. O. Reg. 1068/80, s. 1.

2. The information required to be set out in a form mentioned in section 1 shall be clearly, neatly and legibly typewritten or printed on the form in a manner suitable for photographing on microfilm and the form shall not be folded or otherwise damaged. O. Reg. 1068/80, s. 2.

3. All declarations and other forms under the Act shall be filed in the central registry established in the office of the Registrar of Partnerships, Companies Division, Toronto. O. Reg. 1068/80, s. 3.

4.—(1) The fees set out in the Schedule shall be paid to the Treasurer of Ontario upon the filing, copying or certification of the document or certification of non-registration, as the case may be.

- (2) No fee is payable under subsection (1) by,
- (a) any ministry of the Government of Ontario, or any agency, board or commission thereof, including the offices of sheriff or land registrar;
- (b) any department of the Government of any other province of Canada having reciprocal arrangements, or any agency, board or commission thereof;

- (c) any department of the Government of Canada or any agency, board or commission thereof; or
- (d) a police department, fire department or any licensing agency of any municipality in Ontario.



Schedule

1. For filing a declaration under subsection 3 (2) or subsection 24 (1) of the Act	\$10
2. For filing a declaration under subsection 3 (4) of the Act	50
3. For filing a declaration of change	10
4. For filing a declaration of dissolution or a declaration of withdrawal	10
5. For filing a power of attorney	No Fee
6. Subject to paragraph 7, for the search of each name that is submitted and when requested, for a copy of the declaration and power of attorney, if any	2
7. For a copy of each declaration and power of attorney filed under the Act during a specified day or days when requested in advance and no search is required	.60
8. For certification of a copy of a declaration and a copy of a power of attorney, if any, or a certificate of non-registration signed by the Registrar of Partnerships or a person designated by the Registrar	10

O. Reg. 1068/80, s. 4.

Form 1

Limited Partnerships Act

2				3				4				1				2				3				4				1				2				3				4			
1978/87				1979/88				1980/89				1981/90				1982/91				1983/92				1984/93				1985/94				1986/95											
 Ministry of Consumer and Commercial Relations				1 NAME OF PARTNERSHIP OR BUSINESS																				MINISTRY USE ONLY REGISTRATION DATE EXPIRY DATE				CARD OF															
				2 MAILING ADDRESS																																							
				3 BUSINESS ADDRESS (IF DIFFERENT THAN MAILING ADDRESS)																																							
DECLARATION PARTNERSHIPS REGISTRATION ACT AND LIMITED PARTNERSHIPS ACT FORM CD-375 07075 (01/80)				POSTAL CODE POSTAL CODE <div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div>																																							
4 DATE OF ESTABLISHING BUSINESS OR PARTNERSHIP (MONTH DAY YEAR)												5 BUSINESS ACTIVITY CARRIED ON												6 JURISDICTION IN WHICH FORMED IF OTHER THAN ONTARIO																			
<input type="checkbox"/> CHECK IF RENEWAL OR CHANGE																								COMPLETE QUESTIONS ON THE REVERSE 																			


7. ALL MEMBERS OF THE PARTNERSHIP/THE PROPRIETOR WHERE NATURAL PERSONS ARE 18 YEARS OF AGE OR OVER, EXCEPT THOSE WHOSE BIRTHDATE APPEARS IN COLUMN 'A' OF ITEM 8.

8. THE NAMES AND PARTICULARS OF ALL PARTNERSHIP MEMBERS/OR THE PROPRIETOR. (ALL GIVEN NAMES FOR PARTNERS OR PROPRIETORS - GIVEN NAME, INITIALS AND SURNAMES FOR LIMITED PARTNERS)

[illegible]

Form 2

Limited Partnerships Act

1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4																				
1978/87				1979/88				1980/89				1981/90				1982/91				1983/92				1984/93				1985/94				1986/95																			
<div><div><div>Ministry of Consumer and Commercial Relations</div></div><div>DECLARATION OF CHANGE LIMITED PARTNERSHIPS ACT</div><div>FORM CD-423 07027 (01/80)</div></div>																												1 NAME OF LIMITED PARTNERSHIP				2 MAILING ADDRESS				3 BUSINESS ADDRESS (IF DIFFERENT THAN MAILING ADDRESS)				CHECK IF NO CHANGE <input type="checkbox"/>				MINISTRY USE ONLY REGISTRATION DATE				CARD OF			
THIS DECLARATION OF CHANGE EXPIRES ON THE SAME DATE AS THE DECLARATION OF LIMITED PARTNERSHIP IT AMENDS																																																			
CERTIFIED COPY OF THE DECLARATION IS THE ONLY ACKNOWLEDGEMENT FROM THIS OFFICE																																																			
4 BUSINESS ACTIVITY CARRIED ON																																																			
CHECK IF NO CHANGE <input type="checkbox"/>																																																			

5 ALL MEMBERS OF THE PARTNERSHIP WHERE NATURAL PERSONS ARE 18 YEARS OF AGE OR OVER, EXCEPT THOSE WHOSE BIRTHDATE APPEARS IN COLUMN 'A' OF ITEM 6

6 THE PARTICULARS OF CHANGES IN THE PARTNERSHIP

A. PARTNER'S NAME	B. PARTNER'S RESIDENCE ADDRESS OR ADDRESS FOR SERVICE	C. LIMITED PARTNER'S CONTRIBUTION TO CAPITAL	D. SIGNATURE
<input type="checkbox"/> CEASED -- BECAME PARTNER <input type="checkbox"/>		IF LIMITED PARTNER CONTRIBUTION TO CAPITAL \$	
<input type="checkbox"/> CEASED -- BECAME PARTNER <input type="checkbox"/>		IF LIMITED PARTNER CONTRIBUTION TO CAPITAL \$	
<input type="checkbox"/> CEASED -- BECAME PARTNER <input type="checkbox"/>		IF LIMITED PARTNER CONTRIBUTION TO CAPITAL \$	

A. PARTNER'S NAME	B. PARTNER'S RESIDENCE ADDRESS OR ADDRESS FOR SERVICE	C. LIMITED PARTNER'S CONTRIBUTION TO CAPITAL	D. SIGNATURE
<input type="checkbox"/> CEASED -- BECAME PARTNER <input type="checkbox"/>		IF LIMITED PARTNER CONTRIBUTION TO CAPITAL \$	
<input type="checkbox"/> CEASED -- BECAME PARTNER <input type="checkbox"/>		IF LIMITED PARTNER CONTRIBUTION TO CAPITAL \$	
<input type="checkbox"/> CEASED -- BECAME PARTNER <input type="checkbox"/>		IF LIMITED PARTNER CONTRIBUTION TO CAPITAL \$	
<input type="checkbox"/> CEASED -- BECAME PARTNER <input type="checkbox"/>		IF LIMITED PARTNER CONTRIBUTION TO CAPITAL \$	
<input type="checkbox"/> CEASED -- BECAME PARTNER <input type="checkbox"/>		IF LIMITED PARTNER CONTRIBUTION TO CAPITAL \$	
<input type="checkbox"/> CEASED -- BECAME PARTNER <input type="checkbox"/>		IF LIMITED PARTNER CONTRIBUTION TO CAPITAL \$	
<input type="checkbox"/> CEASED -- BECAME PARTNER <input type="checkbox"/>		IF LIMITED PARTNER CONTRIBUTION TO CAPITAL \$	
<input type="checkbox"/> CEASED -- BECAME PARTNER <input type="checkbox"/>		IF LIMITED PARTNER CONTRIBUTION TO CAPITAL \$	

Form 4

Limited Partnerships Act

1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
1978-1987	1979-1988	1980-1989	1981-1990	1982-1991	1983-1992	1984-1993	1985-1994	1986-1995																							

POWER OF ATTORNEY LIMITED PARTNERSHIPS ACT

KNOW ALL MEN BY THESE PRESENTS THAT

(NAME OF APPOINTING EXTRA PROVINCIAL LIMITED PARTNERSHIP)
_____(HEREINAFTER CALLED THE "PARTNERSHIP")

HEREBY NOMINATES, CONSTITUTES AND APPOINTS _____
(NAME OF ATTORNEY IN FULL)

(BUSINESS ADDRESS OF THE ATTORNEY INCLUDING STREET MUNICIPALITY AND POSTAL CODE)

ONTARIO, ITS TRUE AND LAWFUL ATTORNEY, TO ACT AS SUCH, AND AS SUCH TO SUE AND BE SUED, PLEAD AND BE IMPEADED IN ANY COURT IN ONTARIO, AND GENERALLY ON BEHALF OF THE PARTNERSHIP WITHIN ONTARIO TO ACCEPT SERVICE OF PROCESS AND TO RECEIVE ALL LAWFUL NOTICES AND, FOR THE PURPOSES OF THE PARTNERSHIP TO DO ALL ACTS AND TO EXECUTE ALL DEEDS AND OTHER INSTRUMENTS RELATING TO THE MATTERS WITHIN THE SCOPE OF THIS POWER OF ATTORNEY UNTIL DUE LAWFUL NOTICE OF THE APPOINTMENT OF ANOTHER AND SUBSEQUENT ATTORNEY HAS BEEN GIVEN TO AND ACCEPTED BY THE REGISTRAR OF PARTNERSHIP, SERVICE OF PROCESS OR OF PAPERS AND NOTICES UPON THE SAID

(NAME OF ATTORNEY IN FULL)

SHALL BE ACCEPTED BY THE PARTNERSHIP AS SUFFICIENT SERVICE.

DATED THIS _____ DAY OF _____ 19 _____

(NAME OF EXTRA PROVINCIAL LIMITED PARTNERSHIP)

BY

07035 CD-525

(SIGNATURE) (GENERAL PARTNER)
PLEASE COMPLETE THE REVERSE SIDE ►

CONSENT TO ACT AS ATTORNEY LIMITED PARTNERSHIPS ACT

I, _____ OF _____
(NAME OF ATTORNEY IN FULL) (BUSINESS ADDRESS INCLUDING STREET)

(NUMBER, MUNICIPALITY AND POSTAL CODE), ONTARIO, HEREBY CONSENT TO ACT AS THE
ATTORNEY IN THE PROVINCE OF ONTARIO OF _____
(NAME OF EXTRA PROVINCIAL LIMITED PARTNERSHIP)

PURSUANT TO THE POWER OF ATTORNEY IN THAT BEHALF EXECUTED BY THE SAID LIMITED PARTNERSHIP ON THE
DAY OF _____, 19 _____, AUTHORIZING ME TO ACCEPT SERVICE OF PROCESS AND NOTICES ON ITS BEHALF
DATED THIS _____ DAY OF _____, 19 _____

(SIGNATURE OF WITNESS) (SIGNATURE OF THE CONSENTING PERSON OR CORPORATION)

PLEASE ENSURE THAT BOTH SIDES OF THIS FORM ARE COMPLETED

REGULATION 579

under the Line Fences Act

FORMS

- 1.—(1) The request for fence-viewers to be given to the clerk of a municipality by a person desiring to initiate proceedings under subsection 4 (1) of the Act shall be in Form 1.
- (2) The notice required to be given by the clerk of a municipality to an owner or an occupant under subsection 4 (2) of the Act shall be in Form 2.
- (3) The notice required to be given by the clerk of a municipality to a fence-viewer under subsection 4 (2) of the Act shall be in Form 3. O. Reg. 666/79, s. 1.
2. An award of fence-viewers made under subsection 7 (1) of the Act shall be in Form 4. O. Reg. 666/79, s. 2.
- 3.—(1) The notice of appeal served by an owner under subsection 9 (1) of the Act shall be in Form 5.
- (2) The affidavit of service of a notice of appeal required to be filed by an owner under subsection 9 (1) of the Act shall be in Form 6. O. Reg. 666/79, s. 3.
- 4.—(1) The notice required to be given by the clerk of a municipality to an owner or occupant under subsection 11 (8) of the Act shall be in Form 7.

- (2) The notice required to be given by the clerk of a municipality to a fence-viewer under subsection 11 (8) of the Act shall be in Form 8. O. Reg. 666/79, s. 4.
- 5.—(1) A certificate of default made by fence-viewers under clause 12 (1) (a) of the Act shall be in Form 9.
- (2) A certificate of default made by fence-viewers under clause 12 (1) (b) of the Act shall be in Form 10.
- (3) A notice given under subsection 12 (8) of the Act by the treasurer of a municipality to an adjoining owner against whom an award is being enforced shall be in Form 11. O. Reg. 666/79, s. 5.
6. A determination with directions made by fence-viewers under subsection 13 (6) of the Act shall be in Form 12. O. Reg. 666/79, s. 6.
7. A decision made by fence-viewers under subsection 14 (1) of the Act shall be in Form 13. O. Reg. 666/79, s. 7.
8. An agreement in writing registered under section 16 of the Act shall be in Form 14. O. Reg. 666/79, s. 8.
9. An agreement in writing registered under subsection 22 (3) of the Act shall be in Form 15. O. Reg. 666/79, s. 9.

Form 1

Line Fences Act

REQUEST FOR FENCE-VIEWERS

I, _____, being the owner of certain lands

being _____

(description of lands sufficient for registration in the appropriate Land Registry Office)

do hereby serve notice that I desire and request that three fence-viewers attend, view and arbitrate in the matter of a dispute over the responsibility for a line fence marking the boundary between my land and that of an adjoining land owner, namely: _____, whose lands may be more particularly described as:

(description of lands sufficient for registration in appropriate Land Registry Office)

I understand that the descriptions of my land and the land of provided above are the descriptions that will be used in the fence-viewers' award and in any certificate subsequently made by the fence-viewers in respect of the award and therefore have ensured that the descriptions are accurate and are sufficient for registration in the appropriate Land Registry Office.

The status of the line fence marking the boundary of our adjoining lands is:

- PLEASE
CHECK
APPRO-
PRIATE
BOX
- ☐ — non-existent at the present time
☐ — in need of reconstruction
☐ — in need of maintenance, repair and keeping-up

*The boundary line between our lands is *not* in dispute.

Dated at the of this day of, 19

Witness *Person desiring fence-viewers to view and arbitrate*

* Fence-viewers have no jurisdiction to resolve boundary disputes.

Advisable to have this form made in triplicate, (the original to be retained by the clerk, with one copy to be given to each of the adjoining owners).

O. Reg. 666/79, Form 1.

Form 2

Line Fences Act

(Section 4 (2))

CLERK'S NOTICE TO PARTIES (DISPUTE)

Take notice that three fence-viewers of this locality will attend at the lands described below on:

Day
Month
Year
Hour

to view and arbitrate on a line fence between the lands of:

(name of owner who initiated proceedings)

being

(description of lands sufficient to identify the property whether by municipal address or otherwise)

and the lands of

(name of owner of adjoining land)

being

(description of lands sufficient to identify the property whether by municipal address or otherwise)

AND take notice that if a party, having been notified, does not attend the fence-viewing, the fence-viewers may proceed in that party's absence and, except as otherwise provided in the *Line Fences Act*, he will not be entitled to any further notice in the proceedings.

Dated theday of
....., 1979.

TO: (Owner or Occupant Notified)
(clerk or other designated person)
.....
(person desiring fence-viewers to view and arbitrate)

Section 5 of the *Line Fences Act* states as follows:

Where an occupant who is not an owner of the land is given a notice under this Act, he shall immediately inform the owner of the notice, and, if he neglects to do so, he is liable for all damage caused to the owner by such neglect.

O. Reg. 666/79, Form 2.

Form 3
Line Fences Act
(Section 4 (2))

CLERK'S NOTICE TO FENCE-VIEWERS (DISPUTE)

Take notice that I require you to attend at the lands described below on:

Day
Month
Year
Hour

to view and arbitrate on a line fence between the lands of:

(name of owner who initiated the proceedings)
being
(description of lands sufficient to identify the property whether by municipal address or otherwise)

.....
.....

and the lands of
(name of owner against whom proceedings initiated)
being

(description of lands sufficient to identify the property whether by municipal address or otherwise)

Clerk or other
designated person

TO Fence-Viewers

O. Reg. 666/79, Form 3.

Form 4

Line Fences Act

(Section 7 (1))

AWARD

For descriptions use the descriptions provided in Form 1, if used, and attach a Schedule if required

We, the fence-viewers of (name of locality) having been called upon to view and arbitrate for purposes of settling a dispute over a line fence between the lands of (name of owner who initiated proceedings) being: (description of lands sufficient for registration in the appropriate Land Registry Office), and the lands of (name of owner against whom proceedings initiated) being (description of lands sufficient for registration in the appropriate Land Registry Office), and having examined the lands and duly acted according to the *Line Fences Act*, award as follows:

Check appropriate box

1.
- A fence to mark the boundary line between the adjoining lands described above shall be
- ☐ constructed, maintained and kept up
- ☐ reconstructed, maintained and kept up
- ☐ repaired, maintained and kept up.

Complete A, B or C, whichever is appropriate

2. A.
-shall be responsible for constructing/reconstructing/repairing (indicate appropriate term) maintaining and keeping up that part of the fence that commences at (description of point) and ends at (description of point);
-shall be responsible for constructing/reconstructing/repairing (indicate appropriate term) maintaining and keeping up that part of the fence that commences at (description of point) and ends at (description of point).

or

- B.
-shall be responsible for constructing/reconstructing/repairing (indicate appropriate term) maintaining and keeping up the fence and shall pay to him one-half of the costs of the work incurred as a result of this award upon being notified of the amount of such costs in accordance with the *Line Fences Act*.

or

C.

(Where the fence-viewers are of the opinion that an award in the terms of 2A or 2B would be unjust, the fence-viewers may make whatever award they consider appropriate).

3. The fence shall be of the following description (*state the kind of fence, height, material, etc.*)
(attach Schedule, if necessary)

.....

4. The work shall be commenced not later than the day of
....., 19.., and shall be completed not later than
the day of, 19...

5. The costs of these proceedings are fixed at \$..... determined
as follows: (*set out items and amounts making up total costs of
the proceedings*).

<i>Item</i>	<i>Amount</i>
.....
.....
.....

(*Name of one adjoining owner*) shall pay% of the
costs of this proceeding, namely, \$.....

(*Name of other adjoining owner*) shall pay% of the
costs of this proceeding, namely, \$.....

Dated the day of, 19...

(signature of Witness)	(Signatures of Fence-Viewers)
.....

Form 5

Line Fences Act

(Section 9 (1))

NOTICE OF APPEAL FROM FENCE-VIEWERS' AWARD

In theSmall Claims Court of theof
BETWEEN:Appellant
— and —
.....Respondent

TAKE NOTICE that I, appeal to theSmall Claims Court of
theoffrom the award made by the fence-viewers of (*locality*)
.....on theday of, 19.... a certified copy of which award is attached, and
ask that (*set out briefly what is desired*)

.....
.....
.....
.....

upon the following grounds: (*state the grounds clearly but briefly*)
.....
.....
.....
.....

Dated thisday of19....

To: *Respondent Owner*
Home address

Owner instituting appeal.
.....
Home address

And to: (List fence-viewers and Home addresses)

And to: (The clerk of theSmall Claims Court of
theof)

Form 6

Line Fences Act

(Section 9 (1))

AFFIDAVIT OF SERVICE OF NOTICE OF APPEAL

in theSmall Claims Court of theof

BETWEENAppellant

— and —

.....Respondent

I,of theofin

theof, (occupation),

make oath and say as follows:

I did on, the day of19....

(a) ☐ send by prepaid registered mail to the above named Respondent, of which the certificate of such registration is attached hereto

CHECK
APPROPRIATE
BOX

or

(b) ☐ personally serve on the above named Respondent, or on a resident of the Respondent's dwelling house over the age of 18 years

and did send by prepaid registered mail to the fence-viewers whose award is the subject of this appeal, of which the certificate of such registration is attached hereto, the Notice of Appeal required under subsection 9 (1) of the *Line Fences Act*, a certified true copy thereof being attached hereto.

In effecting service, I necessarily travelled . . . kilometres.

Sworn before me

at the

of

Signature

in the

of

thisday of19..

(or a Commissioner for taking affidavits)

Clerk of the Small Claims Court

O. Reg. 666/79, Form 6.

Form 7

Line Fences Act

(Section 11 (8))

CLERK'S NOTICE TO PARTIES (CERTIFICATION)

Take notice that three fence-viewers of this locality, will reattend at the lands, described below, on the.....day of.....19...at the hour of.....to determine whether (name of owner against whom award is being enforced, hereinafter referred to as Owner A) has

obeyed the directions of the award made the.....day of.....19..., in respect of a line fence marking the boundary between his lands being (description of the lands sufficient to identify the property whether by municipal address or otherwise), and the lands of (name of owner causing the notice to be given, hereinafter referred to as Owner B), being (description of the lands sufficient to identify the property whether by municipal address or otherwise), and if satisfied that (name of Owner A) has failed to obey the directions of the award, the said fence-viewers—

1. a. Will certify the value of the work done at the expense of (name of Owner B); which pursuant to the award ought to have been done by (name of Owner A)

or

- b. will determine the value of the work done by (Name of Owner B) and certify the amount payable by (Name of Owner A) as his share of the costs of the work; and

2. Will fix the costs of the proceedings, including the costs of the original fence-viewing proceedings at which the award was made, and will certify the portion of the costs payable by (name of Owner A) to (name of Owner B);

and the total amount certified may be collected from (name of Owner A) in the same manner as municipal taxes or as the amount of a judgment of a small claims court.

You are hereby notified that if you do not attend at the time and place specified above the fence-viewers may proceed in your absence and, except as otherwise provided in the *Line Fences Act*, you will not be entitled to any further notice in these proceedings.

Dated the.....day of.....19...

TO: *Owner or Occupant Notified*

Clerk (or other designated person)

Section 5 of the *Line Fences Act* states as follows:

Where an occupant who is not an owner of the land is given a notice under this Act, he shall immediately inform the owner of the notice, and, if he neglects to do so, he is liable for all damage caused to the owner by such neglect.

O. Reg. 666/79, Form 7.

Delete a or b
whichever is
inapplicable

Form 8

Line Fences Act

(Section 11 (8))

CLERK'S NOTICE TO FENCE-VIEWERS (CERTIFICATION)

Take notice that I require you to reattend at the lands described below on the day of 19 . . . , at the hour of , to determine whether the award made the day of , 19 . . . , in respect of the line fence between the lands of *(name of owner causing the notice to be given)* being *(description of lands sufficient to identify the property whether by municipal address or otherwise)*, and the lands of *(name of owner against whom award is being enforced)* being *(description of lands sufficient to identify the property whether by municipal address or otherwise)*, has been obeyed by the said *(name of owner against whom award is being enforced)* and, if you are satisfied that the award has not been obeyed and that *(name of owner against whom award is being enforced)* or the occupant of his land was duly notified under subsection 11 (1) or (6), to make a certification pursuant to section 12 of the *Line Fences Act*.

Dated the day of , 19 . . .

To: *Fence-Viewers*

Clerk

(or other designated person)

O. Reg. 666/79, Form 8.

Form 9

Line Fences Act

(Section 12 (1) (a))

CERTIFICATE OF DEFAULT (WORK NOT DONE)

We, the fence-viewers of *(name of locality)*, having been called upon to determine whether *(name of owner against whom award is being enforced, hereinafter referred to as Owner A)* has obeyed the award made the day of , 19 . . . , in respect of a line fence between his lands being *(description of lands sufficient for registration in the appropriate Land Registry Office)*, and the lands of *(name of owner seeking to enforce the award, hereinafter referred to as Owner B)*, being, *(description of lands sufficient for registration in the appropriate Land Registry Office)*, and having examined the lands and duly acted according to the *Line Fences Act*, certify as follows:

(Name of Owner A) has failed to obey the award made the day of , 19 . . . , in respect of a line fence marking the boundary between his lands and the lands of *(name of Owner B)* in that *(give particulars of default)*

.....
.....
.....
.....

The value of the work done at the expense of *(name of Owner B)*, which according to the award ought to have been done by *(name of Owner A)* is hereby certified to be —

Value
of Work

X.

\$

Costs The costs of these proceedings are fixed at \$..... determined as follows:

Item	Amount
.....
.....
.....

(Name of Owner A) shall pay% of the costs of these proceedings, namely \$

(Name of Owner B) shall pay% of the costs of these proceedings, namely \$

* Amount payable by (name of Owner A) to (name of Owner B) as (name of Owner A)'s share of the costs of these proceedings

Y.

\$

** Amount payable by (name of Owner A) to (name of Owner B) as (name of Owner A)'s share of the costs of proceedings

Z.

\$

The total amount payable by (name of Owner A) to (name of Owner B) is hereby certified to be — (Add amounts in boxes X, Y and Z)

\$.....

Dated the day of, 19....

Signature of Witness

Signatures of Fence-Viewers

.....

.....

.....

.....

- * ie: amount payable as A's share of the costs of these proceedings less the portion of that amount attributable to fence-viewers' fees
- ** ie: amount determined in the original fence-viewers' award as A's share of the costs of the proceedings less the portion of that amount attributable to fence-viewers' fees, and, if applicable, to the fees of a surveyor employed by the fence-viewers under subsection 7 (5) of the Act.

Form 10

Line Fences Act

(Section 12 (1) (b))

CERTIFICATE OF DEFAULT (PAYMENT NOT MADE)

We, the fence-viewers of *(name of locality)*, having been called upon to determine whether *(name of owner against whom award is being enforced, hereinafter referred to as Owner A)* has obeyed the

award made the day of, 19 . . . in respect of a line fence between his lands being *(description of lands sufficient for registration in the appropriate Land Registry Office)*, and the lands of *(name of owner seeking to enforce the award, hereinafter referred to as Owner B)*, being, *(description of lands sufficient for registration in the appropriate Land Registry Office)*, and having examined the lands and duly acted according to the *Line Fences Act*, certify as follows:

(Name of Owner A) has failed to obey the award made the day of, 19 . . . , in respect of a line fence marking the boundary between his lands and the lands of *(Name of Owner B)* in that *(give particulars of default)*
.
.
.

The total value of the work done by *(name of Owner B)* at his own expense in compliance with the award is \$

The portion of the costs of the work to be borne by *(name of Owner A)* as set out in the fence-viewers' award is \$
(ie: one-half or such other portion as the award specifies)

The amount payable by *(name of Owner A)* to *(name of Owner B)* as *(name of Owner A)*'s share of the costs of the work is therefore certified to be —

X.

\$

The costs of these proceedings are fixed at \$

Item	Amount
.
.
.

(Name of Owner A) shall pay % of the costs of these proceedings, namely \$

(Name of Owner B) shall pay % of the costs of these proceedings, namely \$

* Amount payable by *(name of Owner A)* to *(name of Owner B)* as *(name of Owner A)*'s share of the costs of these proceedings

Y.

\$

** Amount payable by (name of Owner A) to (name of Owner B) as (name of Owner A)'s share of the costs of proceedings under section 4

Z.

\$

The total amount payable by (name of Owner A) to (name of Owner B) is hereby certified to be — (Add amounts in boxes X, Y and Z)

Dated the day of , 19 . . .

Signature of Witness

Signatures of Fence-Viewers

.....

.....

.....

* ie: amount payable as A's share of the costs of these proceedings less the portion of that amount attributable to fence-viewers' fees

** ie: amount determined in the original fence-viewers' award as A's share of the costs of the proceedings less the portion of that amount attributable to fence-viewers' fees, and, if applicable, to the fees of a surveyor employed by the fence-viewers under subsection 7 (5) of the Act.

O. Reg. 666/79, Form 10.

Form 11

Line Fences Act

(Section 12 (8))

TREASURER'S NOTICE OF AMOUNT OWED TO MUNICIPALITY
BY DEFAULTING OWNER

Take notice that the amount of \$ has been paid out of the general funds of the Corporation of the (City, Town, etc., whichever is applicable) of (Name of Municipality) to (name of owner who received payment from the treasurer, hereinafter referred to as Owner A) on the day of , 19 . . . , in respect of an amount owing by you to (name of Owner A) pursuant to a certificate of default dated the day of , 19 . . .

That amount together with interest thereon at % accruing from the (date of payment by treasurer mentioned above) is now due and payable by you to the said Corporation.

The amount has been placed on the tax collector's roll and may be collected together with interest thereon in the same manner as taxes and until paid is a charge upon your land.

TO: (Defaulting Owner)

.....

Municipal Treasurer

Form 12

Line Fences Act

(Section 13 (6))

DETERMINATION WITH DIRECTIONS

We, the fence-viewers of *(name of locality)*, having been called upon to determine whether *(name of owner against whom award is being enforced, hereinafter referred to as Owner A)* has obeyed the award made the

day of, 19, in respect of a line fence between his lands being *(description of lands sufficient to identify the property whether by municipal address or otherwise)*, and the lands of *(name of owner seeking to enforce the award, hereinafter referred to as Owner B)*, being, *(description of lands sufficient to identify the property whether by municipal address or otherwise)*, and having viewed the work and duly acted according to the *Line Fences Act*, find as follows:

(Name of Owner A) has failed to comply with the award made the day of, 19, in respect of a line fence marking the boundary between his lands and the lands of *(name of Owner B)* in that *(give particulars of non-compliance)*.

.
.
.
.

It shall be necessary for *(name of Owner A)* to take the following action to make the work comply with the award: *(specify the action required to make the work comply)*

.
.
.
.

The work shall be commenced not later than the day of, 19, and shall be completed not later than the day of, 19

The total of the fence-viewers' fees is — \$

The amount payable by *(name of Owner A)* is — \$

The amount payable by *(name of Owner B)* is — \$

Dated the day of, 19

Signature of Fence-Viewers:

.
.
.

Form 13

Line Fences Act

(Section 14 (1))

DECISION OF FENCE-VIEWERS WHERE NO AWARD, CERTIFICATION,
ETC., IS MADE

We, the fence-viewers of *(name of locality)*, having been notified pursuant to section *(check appropriate box)*

☐ 4 (2) ☐ 11 (8) ☐ 13 (5) ☐ 13 (7) of the Act,

in respect of a line fence between the lands of *(name of owner against whom proceedings initiated, hereinafter referred to as Owner A)* being *(description of lands sufficient to identify the property whether by municipal address or otherwise)* and the lands of *(name of owner who initiated the proceedings hereinafter referred to as Owner B)* being *(description of lands sufficient to identify the property whether by municipal address or otherwise)* and having attended at the said lands have decided that no *(check appropriate box)*

☐ award, ☐ certificate, ☐ determination with directions

shall be made for the following reasons — *(briefly, but clearly state reasons for decision)*

.....
.....
.....

The total of the fence-viewers' fees for this attendance is fixed at — \$.....

(Name of Owner A) shall pay% of such amount, namely, \$.....

(Name of Owner B) shall pay% of such amount, namely, \$.....

Dated the day of, 19....

Signature of Fence-Viewers:

.....
.....
.....

O. Reg. 666/79, Form 13.

Form 14

Line Fences Act

(Section 16)

AGREEMENT

I, *(name of owner)* being the owner of
(description of lands sufficient for registration in the appropriate Land Registry Office)

and I *(name of adjoining owner)* being the owner of
(description of lands sufficient for registration in the appropriate Land Registry Office),

do agree that:

Please Check Appropriate Boxes:

1. ☐ A fence to mark the boundary line between the adjoining lands described above shall be constructed, maintained and kept up.

or

- ☐ The fence marking the boundary line between the adjoining lands described above shall be (insert "repaired" or "reconstructed"—*whichever is applicable*), maintained and kept up.

Complete (a) or (b)
whichever is
applicable

2. (a) shall be responsible for that part of the line that commences at (*description of point*) and ends at (*description of point*) and for that part of the line that commences at (*description of point*) and ends at (*description of point*)

or

- (b) (*Name of owner responsible for entire fence*) shall be responsible for all works connected with the above and% of the costs of such works shall be paid to him by upon notification of such costs given in accordance with the *Line Fences Act*.

3. The fence shall be of the following description (state the kind of fence, height, material, etc.)

4. The work shall be commenced not later than the day of, 19...., and shall be completed not later than the day of, 19....

Dated the day of, 19....

Signature of Witness:

(Signatures of Parties)

O. Reg. 666/79, Form 14.

Form 15

Line Fences Act

(Section 22 (3))

AGREEMENT

(where one Party is a Municipality or Local Board)

The Corporation of the (City, Town, etc. whichever is applicable) of (Name of Municipality), [or where applicable—The (name of Local Board)] being the owner of (*description of lands sufficient for registration in the appropriate Land Registry Office*) and I (*name of adjoining owner*) being the owner of (*description of lands sufficient for registration in the appropriate Land Registry Office*), do agree that:

Please Check Appropriate Boxes:

1. ☐ A fence to mark the boundary line between the adjoining lands described above shall be constructed, maintained and kept up.

or

- ☐ The fence marking the boundary line between the adjoining lands described above shall be (*insert "repaired" or "reconstructed" — whichever is applicable*), maintained and kept up.

Complete (a) or (b)
whichever is
applicable

2. (a) The Corporation of the (refer to municipality as above) [or where applicable—The (name of Local Board)] shall be responsible for that part of the line that commences at (*description of point*) and ends at (*description of point*) and for that part of the line that commences at (*description of point*) and ends at (*description of point*)

or

- (b) (*Name of owner responsible for entire fence*) shall be responsible for all works connected with the above and% of the costs of such works shall be paid to him by upon notification of such costs given in accordance with the *Line Fences Act*.

3. The fence shall be of the following description (state the kind of fence, height, material, etc.)

4. The work shall be commenced not later than the day of, 19...., and shall be completed not later than the day of, 19....

Dated the day of, 19....

(Signatures of Parties)

* The Corporation of the
(refer to Municipality as above)

per
.....

** [or where applicable—The (name of
Local Board)

per
.....

.....
(Signature of Witness)

.....
(Signature of other Party)

* Affix corporate seal

**If the Local Board has a
corporate seal, affix it

REGULATION 580

under the Liquor Control Act

GENERAL

1. A government store shall be kept open for the sale of liquor during such hours as the Board from time to time directs. O. Reg. 1009/75, s. 1 (1).

2. Government stores for the sale of beer only may be established by the Brewers' Warehousing Company Limited in any location approved by the Board and a manufacturer of beer licensed by the Liquor Licence Board of Ontario may store and sell beer therein under the control and supervision of the Board. O. Reg. 1009/75, s. 3.

3. Subject to the approval of the Board, a manufacturer of Ontario wine may establish government stores for the retail sale of wine manufactured by him in accordance with the Act. O. Reg. 304/77, s. 1.

4.—(1) A manufacturer of Ontario wine may sell and deliver only Ontario wine that,

(a) is,

(i) of a color satisfactory to the Board,

(ii) of natural and pleasing odor, flavor and bouquet, and

(iii) free from sediment, turbidity or foreign matter;

(b) conforms with the *Food and Drugs Act* (Canada) and the regulations made thereunder;

(c) if designated as port or sherry or similarly designated, contains not less than 14 per cent of alcohol by volume;

(d) if designated as claret or claret type, contains not more than 13 per cent of alcohol by volume and not more than 1 per cent of sugar;

(e) if designated as still burgundy or chianti or similarly designated, contains not more than 14 per cent of alcohol by volume and not more than 1 per cent of sugar;

(f) if designated as dry and is a still wine with a content of less than 14 per cent of alcohol by volume, contains not more than 1 per cent of sugar;

(g) if containing carbon dioxide under pressure from natural fermentation or otherwise,

contains not more than 14 per cent of alcohol by volume and not more than 5 per cent of sugar;

(h) is obtained,

(i) where the volume of wine and lees from one ton of grapes or cherries, or

(ii) where the concentrated juice of one ton of grapes or cherries, including lees and any water, honey, sugar or the distillate of Ontario wine added,

is not more than 250 imperial gallons; and

(i) is produced in premises approved by the Board.

(2) A manufacturer of Ontario wine may sell and deliver only Ontario wine obtained from grapes, cherries or apples grown in Ontario. O. Reg. 1009/75, s. 5.

(3) A manufacturer of Ontario wine may add distillate of cereal grains grown in Ontario only to Ontario wine that contains not less than 14 per cent of alcohol by volume. O. Reg. 85/76, s. 1.

5. A manufacturer of Ontario wine shall not sell Ontario wine to another manufacturer of Ontario wine without the approval of the Board. O. Reg. 1009/75, s. 6.

6. No Ontario wine or distillate of Ontario wine shall be transferred from the premises of a manufacturer of Ontario wine to any other premises in Ontario without the approval of the Board. O. Reg. 1009/75, s. 7.

7. A manufacturer of Ontario wine whose products are sold by the Board may, with the approval of the Board, establish in any city or town designated by the Board, an Ontario wine warehouse for the purpose of warehousing or storing his goods therein. O. Reg. 1009/75, s. 8.

8. All sales and deliveries of Ontario wine warehoused or stored in an Ontario wine warehouse shall be made to the Board upon the request of the Board or as otherwise directed by the Board. O. Reg. 1009/75, s. 9.

9. Every manufacturer of Ontario wine who has established an Ontario wine warehouse under this Regulation shall provide the Board with a monthly statement of all wine delivered to the warehouse. O. Reg. 1009/75, s. 10.

10. A licensed manufacturer of Ontario wine shall furnish the Board once in each month with a statement showing a record of all retail sales of wine made through the government stores operated by him for the sale of Ontario wine only. O. Reg. 1009/75, s. 11.

11. Each cask, vat or container in excess of 150 imperial gallons capacity that is used by a manufacturer of Ontario wine for the storage of Ontario wine shall have an individual number painted thereon or affixed thereon by means of metal figures and the cask, vat or container so numbered shall have the capacity in imperial gallons plainly indicated thereon. O. Reg. 1009/75, s. 12.

12. Every manufacturer of Ontario wine shall keep books and records that fully and clearly set forth a record of all grapes, cherries, other Ontario fruits, sugar and all other materials purchased for producing and processing Ontario wine as well as a record of the selling and disposing of Ontario wine, and the books and records shall be in such form as the Board requires. O. Reg. 1009/75, s. 13.

13.—(1) A manufacturer of Ontario wine shall be allowed as loss up to 5 per cent of the total volume of new wine within the first six months from the commencement of fermentation, up to 1½ per cent of the total volume of new wine in the second six months of the first year, and up to 3 per cent of the total volume of wine in each succeeding year and such allowances shall be considered as resulting from lees and evaporation.

(2) Where wine is baked on the premises of a manufacturer of Ontario wine, allowances for loss up to, but not exceeding, 5 per cent may be made provided the manufacturer keeps a record showing,

- (a) the serial number of each tank;
- (b) the date on which wine is placed in the tank;
- (c) the quantity of alcohol contained in the wine;
- (d) the date on which baking is commenced;
- (e) the date on which baking is completed;
- (f) the method employed;
- (g) the date on which the wine is removed from the tank; and
- (h) the quantity removed and its alcoholic content,

and no allowance for losses due to the baking of wine shall be made unless shown by such record to have been sustained.

(3) Where wine is stored in barrels of under 150 imperial gallons capacity, an additional allowance for loss of 3 per cent after the first year of age shall be made. O. Reg. 1009/75, s. 14.

14. Losses of Ontario wine that are suffered in any winery, other than losses from lees, evaporation and processing, shall be reported to the Board forthwith after the occurrence of the loss. O. Reg. 1009/75, s. 15.

15. Where a manufacturer of Ontario wine is found by an authorized officer of the Board to have less than the amount of Ontario wine that should be on hand on the premises of the licence holder, the shortage, less the allowance permitted under section 13 for lees, evaporation and processing, shall be deemed to have been sold and is subject to all levies due on the sale of Ontario wine by the manufacturer. O. Reg. 1009/75, s. 16.

16. Every manufacturer of Ontario wine shall, not later than the 10th day of every month, furnish the Board with a statement in the form provided by the Board showing quantities of Ontario wine sold during the next preceding calendar month and the quantities of Ontario grown grapes, cherries, other fruits and concentrates thereof purchased and used in the production of Ontario wine during the month for which the statement is made. O. Reg. 1009/75, s. 17.

17. Within ten days after the close of the Board's fiscal year, every manufacturer of Ontario wine shall furnish the Board with a sworn annual statement in the form provided by the Board showing the volume of his business, and he may be required by the Board to produce for examination his books of account, invoices and all papers necessary to show the quantity of Ontario grown grapes and cherries or concentrates thereof used in the production of Ontario wine and to show the quantity of Ontario wine sold for export from Ontario. O. Reg. 1009/75, s. 18.

18.—(1) For the purpose of this section and sections 19 and 20, "purchase permit" means a permit issued by the Board for the purchase of liquor to be sold or served at an event for which a special occasion permit is issued under the *Liquor Licence Act*.

(2) Every person authorized to sell liquor at a government store is an official for the purpose of issuing a purchase permit and shall collect the fees for such a permit.

(3) Employees of the Liquor Licence Board of Ontario designated by the Board are agents of the Board for the purpose of issuing a purchase permit and shall collect the fees for such a permit.

(4) Fees collected on the issue of a purchase permit shall be paid to the Board as directed by the Board. O. Reg. 494/80, s. 1, *part*.

19.—(1) Where a special occasion permit for the sale of liquor is issued pursuant to the *Liquor Licence Act*, the liquor specified for sale in the special occasion permit may be purchased at a government store only after the issue of a purchase permit.

(2) Where a purchase permit is issued, it shall be issued in the name of the person named in the special occasion permit.

(3) The fee payable upon the issue of a purchase permit shall be calculated in accordance with the following Table:

TABLE

ITEM	TYPE OF LIQUOR	SIZE OF UNIT	AMOUNT PER UNIT
1.	Spirits	Each Bottle of up to and including 18 fluid ounces	\$.75
		Each Bottle over 18 fluid ounces and up to and including 30 fluid ounces	1.50
		Each Bottle over 30 fluid ounces not exceeding 50 ounces	2.00
2.	Wines	Each Bottle of up to and including 40 fluid ounces	.75
		Each Bottle over 40 fluid ounces and up to and including 80 fluid ounces	1.50
		Each Bottle over 80 fluid ounces	3.00
3.	Beer	Each Case of 6, 12 fluid ounce Bottles	.35
		Each Case of 12, 12 fluid ounce Bottles or Cans	.75
		Each Case of 24, 12 fluid ounce Bottles	1.25
		Each Case of 12, 22 fluid ounce Bottles	1.25
		Each Keg of 12.5 Gallons	9.00

(4) Notwithstanding subsection (1), no purchase permit is required where a special occasion permit for the sale of liquor is issued for a wedding reception. O. Reg. 494/80, s. 1, *part*.

20.—(1) Liquor obtained under a purchase permit may be returned to any government store.

(2) Where liquor is returned to a government store under subsection (1), a refund shall be made on the fee paid calculated in accordance with the Table.

(3) A refund under subsection (2) may be made only to the person named in the purchase permit, or his agent, upon the production of the purchase permit and the return of the liquor within seven days of the function in respect of which the special occasion permit for the sale of liquor was issued.

(4) A refund under subsection (2) shall be made only in respect of unopened bottles, in marketable condition, of spirits and wine and unopened cases in marketable condition, of beer. O. Reg. 1009/75, s. 21.

REGULATION 581

under the Liquor Licence Act

GENERAL

INTERPRETATION

1. In this Regulation,

- (a) "aircraft" means a machine licensed by the Canadian Transport Commission established under the *Aeronautics Act* (Canada) for the transport of passengers by air and operated by a trans-continental air carrier on a regular or charter flight from any point in Ontario to any point inside or outside Ontario;
- (b) "airport lounge" means a room in an airport restricted to passengers waiting to board a departing aircraft;
- (c) "canteen" means a wardroom, mess, cafeteria, dining area, common room, or other room to which the public is not ordinarily admitted situated in or on a base, station, camp, campus, institution or other facility of,
 - (i) the Canadian Forces, for the use of the active or reserve units thereof and their guests,
 - (ii) a public police force, for the use of members thereof and their guests,
 - (iii) a university, including any post-secondary educational institution affiliated or federated with it, a college of applied arts and technology established under the *Ministry of Colleges and Universities Act* or other publicly financed post-secondary educational facility and municipal, provincial or federal conference centres used for educational purposes, for the use of the faculty, staff and students thereof and their guests, and
 - (iv) a hospital, rest home, convalescent home, home for the aged or other similar institution used by the patients, residents and staff thereof and their guests;
- (d) "club" means a veterans' club, labour club or fraternal club or any organization incorporated under the laws of Ontario, Canada or any province of Canada, that,
 - (i) has as its primary objects matters of a social, recreational or patriotic nature,
 - (ii) has not fewer than fifty *bona fide* members or where it is a branch of a veterans' club, not fewer than twenty-five veterans as *bona fide* members,
 - (iii) is not operated for pecuniary gain,
 - (iv) has been in active operation for not less than one year prior to the date of its application for a licence under the Act, and
 - (v) whose members, except in the case of a veterans' club, labour club or fraternal club, pay an annual membership fee of not less than \$10;
- (e) "convention centre" means a building owned and operated by a municipality or agency thereof and used for the holding of conventions, meetings, receptions, trade shows, conferences and displays of every kind;
- (f) "fraternal club" means a chartered branch of an established fraternal organization in Canada with not fewer than fifty members;
- (g) "hotel" means an establishment in regular operation where, in consideration of payment, food and lodging are furnished to the public and having,
 - (i) in a municipality with a population of 100,000 persons or more, not less than fifty bedrooms,
 - (ii) in a municipality with a population of 10,000 persons or more but less than 100,000 persons, not less than twenty bedrooms, and
 - (iii) in any part of Ontario other than a part referred to in subclause (i) or (ii), not less than ten bedrooms,

such that the number of bedrooms in any event is sufficient to serve the needs of the community where the establishment is located and the facilities for providing food and lodging are under one roof or interconnected by interior passageways;

- (h) "labour club" means a chartered branch or union of any of the established labour organizations in Canada with a minimum of fifty members;
- (i) "licensed premises" means premises for which a licence or permit, as the case may be, is issued under the Act;
- (j) "manufacturers' premises" means a premises used for the manufacture of spirits, beer or Ontario wine and includes the head office location of the manufacturer;
- (k) "member" means a person who has been registered or admitted according to the rules or by-laws of a club constitution, and,
 - (i) who is eligible to participate in the activities and facilities available in the club,
 - (ii) who has a continuing interest in the operation and development of the club,
 - (iii) who has paid the dues required by the club, and
 - (iv) whose name is included in a list of members certified by an officer or director of the club as being a complete list of members;
- (l) "railway car" means railway rolling stock equipped and used exclusively for the carriage of passengers from one point in Ontario to another point inside or outside Ontario;
- (m) "recreational facility" means,
 - (i) a golf course covering a minimum of,
 - (A) 5,000 yards where it is an eighteen hole course,
 - (B) 2,500 yards where it is a nine hole course,
 - (ii) a curling rink,
 - (iii) a skiing facility, or

- (iv) a racquet facility with at least four courts,

that is open to the public upon payment of a fee or other admission charge;

- (n) "resort" means an establishment having at least ten units of accommodation that operates either throughout the year or on a seasonal basis where, in consideration of payment for food and lodging, recreational activities are available for persons staying at the establishment and their guests;
- (o) "restaurant" means an establishment that has full kitchen facilities for the preparation of meals and is engaged in the sale and service of meals to the public for consumption on the premises and the sale of articles incidental to a meal;
- (p) "ship" means a vessel propelled through water by any means of power other than muscular power which conveys passengers on a regular schedule on a set route and that has dining facilities adequate to serve its passengers;
- (q) "tavern" means an establishment that has been reclassified as a tavern by the Board;
- (r) "theatre" means a place of public assembly intended for,
 - (i) the production and staging of public performances of dramatic, musical or cultural entertainment, or
 - (ii) the screening and viewing of motion pictures from time to time for periods not exceeding in each year sixty-six days, whether consecutive or not,
- and consisting of an auditorium with permanently fixed seats intended solely for a viewing audience;
- (s) "veterans' club" means a chartered branch of an established war veterans' organization in Canada. O. Reg. 1008/75, s. 1; O. Reg. 781/76, s. 1; O. Reg. 123/78, s. 1; O. Reg. 590/78, s. 1; O. Reg. 57/80, s. 1; O. Reg. 351/80, s. 1; O. Reg. 1134/80, s. 1.

CLASSES OF LICENCES

2. The following are prescribed as classes of licences under the Act for the purposes indicated,

- (a) lounge licence, for the sale and service of liquor;

- (b) dining lounge licence, for the sale and service of liquor where food is available;
- (c) dining room licence, for the sale and service of beer and wine where food is available;
- (d) entertainment lounge licence, for the sale and service of liquor where food is available and live entertainment is provided;
- (e) public house licence, for sale and service of beer;
- (f) club licence—lounge, for the sale and service of liquor;
- (g) club licence—dining lounge, for the sale and service of liquor with food;
- (h) patio licence, for the sale and service of liquor outdoors;
- (i) hospitality licence, for the service of liquor without charge; and
- (j) manufacturer's licence to keep for sale, offer for sale or sell liquor to the Liquor Control Board of Ontario. O. Reg. 1008/75, s. 2; O. Reg. 781/76, s. 2.

CLASSES OF PERMITS

3. The following are prescribed as classes of permits under the Act for the purpose indicated,

- (a) special occasion permit—sale, for the sale, and service of liquor;
- (b) special occasion permit—no sale, for the service of liquor without charge. O. Reg. 123/78, s. 2.

CLASSES OF PREMISES

4. The following are prescribed as classes of premises under the Act,

- (a) airport lounges;
- (b) canteens;
- (c) recreational facilities;
- (d) theatres;
- (e) aircrafts, railway cars, ships;
- (f) clubs;
- (g) hotels;
- (h) restaurants;
- (i) resorts;
- (j) manufacturer's premises;
- (k) outdoor areas adjoining licensed premises;
- (l) taverns;
- (m) outdoor areas located on resorts; and
- (n) convention centres. O. Reg. 1008/75, s. 3; O. Reg. 590/78, s. 2; O. Reg. 351/80, s. 2; O. Reg. 1134/80, s. 2.

5.—(1) Subject to the provisions of section 25 of the Act and section 62 of this Regulation, each premises listed in Column 2 of the Table is eligible for the class of licence listed opposite thereto in Column 1 of the Table:

TABLE

	COLUMN 1	COLUMN 2
Item	Class of Licence	Eligible Premises
1.	Entertainment Lounge Licence	convention centre hotels restaurants taverns theatres

	COLUMN 1	COLUMN 2
Item	Class of Licence	Eligible Premises
2.	Dining Lounge Licence	aircrafts, railway cars, ships canteens convention centre hotels restaurants taverns theatres recreational facilities resorts
3.	Dining Room Licence	aircrafts, railway cars, ships canteens convention centre hotels restaurants taverns theatres recreational facilities resorts
4.	Lounge Licence	aircrafts, railway cars, ships canteens convention centre hotels recreational facilities resorts taverns theatres
5.	Public House Licence	aircrafts, railway cars, ships canteens hotels recreational facilities taverns
6.	Club Licence—lounge —dining lounge	clubs
7.	Patio Licence	outdoor areas adjoining or adjacent to a licensed premises or on outdoor area located on a resort
8.	Hospitality Licence	airport lounges, convention centre, manufacturer's premises, office of the Ontario Grape Growers Marketing Board, St. Catharines, Ontario

O. Reg. 1008/75, s. 4 (1); O. Reg. 781/76, s. 3 (1); O. Reg. 123/78, s. 3; O. Reg. 590/78, s. 3 (1); O. Reg. 57/80, s. 2; O. Reg. 351/80, s. 3; O. Reg. 1134/80, s. 3.

(2) Notwithstanding subsection (1), where premises have been issued a class of licence under *The Liquor Licence Act*, being chapter 250 of the Revised Statutes of Ontario, 1970, or any predecessor of that Act, and such premises are no longer eligible

for that class of licence under subsection (1), such premises shall be deemed to continue to be eligible for that class of licence provided the premises have been in continuous operation under that class of licence.

(3) Where an establishment is serving the needs of a community of less than 10,000 persons in the matter of bedroom accommodation for the travelling public it shall be deemed to be a hotel notwithstanding that it does not comply with clause 1 (g). O. Reg. 1008/75, s. 4 (2, 3).

(4) Notwithstanding subsection (1), where licensed premises were classified as a public house under *The Liquor Licence Act*, being chapter 250 of the Revised Statutes of Ontario, 1970, or any predecessor of that Act, on the 2nd day of January, 1976, the premises are eligible for a lounge licence provided that,

- (a) new furnishings are provided;
- (b) a floor covering that complies with the provisions of the *Ontario Building Code Act* and the regulations made thereunder is installed in the licensed premises; and
- (c) the premises are remodelled in accordance with the provisions of this Regulation. O. Reg. 1008/75, s. 4 (4); O. Reg. 781/76, s. 3 (2).

(5) Where a public house has been issued a lounge licence under subsection 5 (4), the Board shall reclassify public house as a tavern. O. Reg. 590/78, s. 3 (2).

6.—(1) The Board may, on application, reclassify a hotel for which a licence was in existence on the 2nd day of January, 1976 as a tavern.

(2) Prior to reclassifying a hotel under subsection (1), the Board shall satisfy itself that,

- (a) the bedroom accommodation of the hotel is not required to serve the needs of the community where it is located;
- (b) the reclassification will not adversely effect other licensed premises in the community; and
- (c) the needs and wishes of the community are served by the reclassification.

(3) In addition to any information requested by the Board, an application under subsection (1) shall be accompanied by a copy of a resolution of the council of the municipality where the hotel is located approving the closing of the bedrooms in the hotel.

(4) Where a hotel is reclassified as a tavern, it shall continue to be eligible for the classes of licences it held prior to the reclassification. O. Reg. 590/78, s. 4, *part*.

7. Where a hotel or public house is reclassified as a tavern and alterations or renovations are made

to the licensed premises, the alterations or renovations shall be made such that the capacity of premises licensed as a lounge or public house does not exceed the capacity of such licensed premises as they existed on the 2nd day of January, 1976 by more than 25 per cent. O. Reg. 590/78, s. 4, *part*.

TERMS AND CONDITIONS OF A LICENCE

8.—(1) No holder of a licence shall sell, keep for sale or serve in a licensed premises any liquor except such liquor as is,

- (a) prescribed in the licence; and
- (b) purchased by him from the Liquor Control Board in accordance with the *Liquor Control Act* and the regulations made thereunder.

(2) Every holder of a licence shall keep the licensed premises and facilities used by patrons of the licensed premises in a clean and sanitary condition.

(3) No holder of a licence shall knowingly permit a constable or other police officer while on duty to consume liquor in the licensed premises.

(4) No holder of a licence shall permit any gambling that is contrary to the *Criminal Code* (Canada), drunkenness or any riotous, quarrelsome, violent or disorderly conduct to take place in the licensed premises. O. Reg. 1008/75, s. 5 (1-4).

(5) Subject to section 44 of the Act and section 51 of this Regulation, no holder of a licence shall permit any person under or apparently under the age of nineteen years to enter or remain upon licensed premises. O. Reg. 351/80, s. 4 (1).

(6) The holder of a licence shall ensure that evidence as to the age of the person, satisfactory to the licence holder, is obtained,

- (a) prior to permitting a person apparently under the age of nineteen years entry to premises not prescribed by section 51; and
- (b) prior to serving liquor to a person apparently under the age of nineteen years on any premises prescribed by section 51.

(7) The holder of a licence shall, at the request of an inspector of the Board, request evidence as to age of any person in the licensed premises whom the inspector believes may be in contravention of section 44 of the Act. O. Reg. 590/78, s. 5 (2), *part*.

(8) No licensee, his agent or employee shall either, directly or indirectly, request, demand or

receive any financial or material inducement, discount or rebate or any form of payment or benefit from a manufacturer of liquor or any person interested in increasing the sale or distribution of any brand of liquor. O. Reg. 1008/75, s. 5 (6).

(9) No holder of a licence, his agent or employee shall offer, give or pay to an agent or employee of the holder of the licence any commission, bonus, financial or material inducement, either directly or indirectly, that is calculated as a percentage of the volume of sales of liquor in the licensed premises or that is calculated by reference to the volume of sales of liquor made by the agent or employee. O. Reg. 165/79, s. 1 (1).

(10) No holder of a licence or his employee shall in any way adulterate or permit the adulteration of liquor purchased from the Liquor Control Board by adding to the liquor any liquid or other substance except when requested to do so by a customer of the licensed premises and only with respect to a drink ordered by the customer.

(11) It is a term and condition of a licence that the holder of the licence shall not refuse entry to a constable or other police officer in the course of his duties at any time during the hours of operation of the licensed premises or at any other time when persons other than employees of the licence holder are present on the licensed premises.

(12) Subject to subsection 35 (7), no licence holder shall lease or contract out by any manner the business or part of the business conducted from the licensed premises. O. Reg. 1008/75, s. 5 (7-9).

(13) Notwithstanding subsections (9) and (12), the holder of a licence may enter into an agreement with a person or persons to manage the business operated from the licensed premises provided that the agreement does not require that,

- (a) more than 10 per cent of the gross sales of liquor; or
- (b) more than 49 per cent of the net profits from the licensed premises,

is paid to such person or persons. O. Reg. 590/78, s. 5 (2), *part*; O. Reg. 165/79, s. 1 (2).

(14) No liquor shall be sold and served in licensed premises except under the supervision of a bartender or other person authorized by the holder of the licence.

(15) Every licensed premises shall be under the management and supervision of a person who has experience in the food and beverage industry such that he is capable of managing an orderly and efficient operation.

(16) Every holder of a licence shall ensure that no more persons than the stated capacity of the licensed premises as set out in the licence shall be present in the licensed premises at any one time.

(17) Where books and records are required to be maintained under the Act and this Regulation by the holder of a licence, the books and records shall be kept in Ontario and where such books and records are not kept on the licensed premises, the licensee shall notify the Board where the books and records are kept.

(18) Coffee, tea, milk and a variety of non-alcoholic beverages shall be available for sale at reasonable prices at all times on a licensed premises.

(19) Every holder of a licence shall ensure that no person enters behind the bar during the hours that liquor is sold and served other than an employee or other person specifically authorized by the licensee for the purpose, an inspector of the Board, a constable or other police officer, a government inspector in the course of carrying out his duties, or a registered agent or representative of a manufacturer in the course of carrying out his duties.

(20) No holder of a licence, his agent or employee shall, either directly or indirectly, offer to pay or pay any commission, profit or other remuneration, or make any gift to a member of the Board or an employee thereof.

(21) Subject to subsection (22), no holder of a licence shall employ a person under the age of eighteen years in the sale or service of liquor in a licensed premises.

(22) Subject to subsection 51 (2), no holder of a licence shall employ or permit to be employed any person under the age of eighteen years to entertain in a licensed premises except premises for which a dining room or dining lounge licence is issued.

(23) Upon application for a licence, or a renewal thereof, the applicant shall file with the Board the proposed hours of operation and months of the year of operation of the premises for which the application or renewal, as the case may be, is applied for.

(24) Every holder of a licence shall notify the Board forthwith of any changes in the hours of operation of the licensed premises filed with the Board under subsection (23).

(25) Every holder of a licence shall maintain his establishment in operation during the hours of operation filed with the Board under subsection (23).

(26) The holder of a licence shall post his hours of operation, as filed with the Board, at the entrance to the licensed premises.

(27) Except for music that is suitable for dinner-dancing, no holder of a licence shall permit any form of entertainment in the licensed premises on a Sunday. O. Reg. 1008/75, s. 5 (10-23).

(28) No holder of a licence shall operate or permit to be operated any business from the licensed premises other than the sale of liquor and food, articles incidental thereto, and lottery tickets distributed for sale under a government licence. O. Reg. 590/78, s. 5 (4), *part*.

(29) No part of a property containing a licensed premises owned or controlled by a licensee shall be used for the retail dispensing of gasoline.

(30) Subsection (29) does not apply to a part of a property containing licensed premises where the premises were licensed on the 2nd day of January, 1976. O. Reg. 1008/75, s. 5 (26, 27).

(31) Notwithstanding subsection (29), where a licensed premises is part of a complex which includes a hotel, motel or marina, gasoline may be dispensed to the public. O. Reg. 590/78, s. 5 (4), *part*.

(32) Where a licensed premises is rented and the lease provides that a percentage of gross sales be paid to the lessor, the licensee shall notify the Board prior to entering into the leasing agreement that the lease provides that a percentage of gross sales be paid to the lessor.

(33) Where licensed premises are rented and the lease provides for a percentage of gross sales of liquor to be paid to the lessor, that percentage shall in no case exceed 10 per cent except where the lessor is a municipal, provincial or federal government or an agent thereof. O. Reg. 1008/75, s. 5 (29, 30).

(34) Where the holder of a licence is a franchisee under a franchise agreement, a copy of the franchise agreement shall be forwarded to the Board and in no case shall the franchise agreement provide that more than 10 per cent of the gross sales of liquor be paid to the franchisor. O. Reg. 590/78, s. 5 (5).

(35) Except for a manufacturer, every holder of a licence shall keep books and records that fully and clearly set forth a daily record of all purchases, sales and stocks of liquor and such records shall be provided to the Board for any period requested by the Board.

(36) The holder of a licence for premises licensed as a dining lounge, dining room or entertainment lounge shall keep books and records that fully and clearly set forth a daily record of purchases and sales of food and such records shall be provided to the Board for any period requested by the Board.

(37) Except where the Board otherwise instructs, the holder of a dining room licence, dining lounge licence or entertainment lounge licence shall every three months file with the Board a statement of the total monthly receipts of the sale of food and of the sale of liquor in each such licensed premises. O. Reg. 590/78, s. 5 (6).

(38) An order for the purchase of liquor by a holder of a licence shall be made in writing upon a form supplied by the Liquor Control Board of Ontario, and shall be signed by the holder of the licence or his duly authorized employee.

(39) Receipt of liquor purchased by the holder of a licence shall be acknowledged in writing by the holder or his duly authorized employee and the written receipt shall be delivered forthwith by the person making the delivery, to the Liquor Control Board of Ontario or where the beer is purchased at a store operated by the Brewer's Warehousing Company Limited, to the Brewer's Warehousing Company Limited. O. Reg. 1008/75, s. 5 (33, 34).

(40) It is a term and condition of a licence that is issued for the first time or a renewal thereof that the holder of the licence hold a valid Vendor's Permit issued under the *Retail Sales Tax Act* and that the holder of the licence owe no moneys under that Act. O. Reg. 165/79, s. 1 (3).

(41) It is a term and condition of a licence that is issued for premises in a theatre that liquor not be sold in the theatre auditorium and that liquor may only be sold during the time when the performance is not in progress. O. Reg. 351/80, s. 4 (2).

SALE AND SERVICE OF LIQUOR IN LICENSED ESTABLISHMENTS

9.—(1) Except for Christmas Day and Good Friday, liquor of the type authorized by a licence may only be sold and served in the premises for which the licence is issued between the hours of 12 noon and 1 a.m. of the following day on Monday to Saturday. O. Reg. 1008/75, s. 6 (1).

(2) Notwithstanding subsection (1), liquor of the type authorized by a licence may be sold and served in an establishment licensed as a dining room, dining lounge or club-dining lounge (or in an outdoor area adjoining or adjacent to a dining room, dining lounge or club-dining lounge for which a patio licence is issued) between the hours of 12.00 noon and 10.00 p.m. on Sunday, Christmas Day and Good Friday provided that,

- (a) the total daily receipts from the sale of liquor on any Sunday or on Christmas Day or Good Friday do not exceed the total receipts from the sale of food on any such day; and
- (b) a daily record is maintained showing the sale of liquor and food. O. Reg. 590/78, s. 6 (1), *part*; O. Reg. 351/80, s. 5 (1).

(3) Notwithstanding subsections (1), (2) and (4), liquor may be served between the hours of 12 noon and 10 p.m. on Sunday in premises at an airport that are licensed under a hospitality licence and may be sold and served between the hours of 12 noon and 10 p.m. on Sunday in licensed premises situate in an area of an airport that is restricted to passengers waiting to board a departing aircraft. O. Reg. 1134/80, s. 4.

(4) Where premises licensed as a dining lounge or dining room are open on a Sunday, Christmas Day or Good Friday, the holder of the licence may use premises for which a lounge licence is issued located in his establishment for the sale and service of liquor with meals where the use of such premises is necessary to accommodate his patrons provided that,

- (a) the licence holder notifies the Board of his intention to use such premises under this subsection;
- (b) the total daily receipts from the sale of liquor on any Sunday, or on Christmas Day or Good Friday do not exceed the total receipts from the sale of food on any such day;
- (c) a daily record is maintained showing the sales of liquor and food; and
- (d) the number of persons present in the lounge under this subsection does not exceed the seating capacity of the dining room or dining lounge open on that day. O. Reg. 590/78, s. 6 (1), *part*.

(5) Notwithstanding subsections (1) and (2), where the last day of December falls on a Sunday, liquor may be sold and served in licensed premises between the hours of 6 p.m. of that day and 1 a.m. on the following day.

(6) In each premises for which a dining room or dining lounge licence is issued,

- (a) the total receipts from the sale of liquor in any month shall not exceed the total receipts from the sale of food in the same month; and
- (b) a daily record showing the sales of liquor and food shall be maintained.

(7) In each premises for which an entertainment lounge licence is issued, the total receipts from the sale of food in any month shall not be less than 30 per cent of the total receipts from the sale of liquor and food in that month and a daily record showing the sales of liquor and food shall be maintained. O. Reg. 1008/75, s. 6 (4-6).

(8) Liquor may be sold upon a railway car or ship in respect of which a licence is issued only when such railway car or ship is in transit on a trip the main purpose of which is the transportation of passengers and only during the hours when liquor may be sold in other licensed premises as set out in this section.

(9) Licensed premises in aircraft are exempt from subsections (1), (2), (4), (5) and (6). O. Reg. 590/78, s. 6 (2).

(10) Spirits, beer or wine sold in a premises for which a lounge or public house licence is issued shall be dispensed at the service bar in such a manner that the dispensing may be viewed by persons using the lounge or public house.

(11) The brands and types of spirits available in a premises for which a lounge licence is issued shall be displayed at the bar.

(12) No liquor other than that sold by a licence holder under the authority of a licence shall be brought upon a licensed premises and the licence holder shall not knowingly permit any other liquor to be brought upon the licensed premises. O. Reg. 1008/75, s. 6 (8-10).

(13) Except for room service sales in a hotel or resort where liquor shall be consumed in the room, all liquor sold in the licensed premises shall be consumed on the licensed premises and the licence holder shall not permit any liquor so sold to be taken from the licensed premises. O. Reg. 57/80, s. 3.

(14) Every drink sold or served in a licensed premises that contains spirits shall contain not less than 28.41 millilitres and not more than 85.23 millilitres of spirits. O. Reg. 351/80, s. 5 (2).

(15) Where a premises is licensed to sell wine, the wine may be sold by the bottle, half-bottle, carafe or glass and where wine is sold by the carafe or glass, the menu or wine list shall indicate the number of ounces served in the glass or carafe.

(16) An adequate stock of liquor, when available, shall be maintained upon every licensed premises,

(a) of the brands and types; and

(b) in the form of containers,

that are commonly in demand in the place where the premises is located, except where draught beer is sold, no more than one brand of draught beer is required to be kept at any one time.

(17) Where draught beer is served, the brand and type of draught beer dispensed by each tap shall be clearly indicated by a label visible to patrons of the licensed premises.

(18) Bottles or cans of beer and bottles or carafes of wine may be sold on a self-service basis,

(a) in premises for which a canteen licence is issued; or

(b) in premises for which a dining room or dining lounge licence is issued in a hotel,

where food is sold on a cafeteria-style basis, but each sale shall be controlled and supervised by a

person authorized for that purpose by the holder of the licence and no sale of beer or wine shall be made from a vending machine. O. Reg. 1008/75, s. 6 (13-16).

(19) Every licensed premises shall have lists available to customers or signs that are prominently displayed in the licensed premises indicating,

- (a) the varieties of liquor for sale;
- (b) the minimum amount of spirits in each type of drink containing spirits that is offered for sale;
- (c) the varieties of non-alcoholic beverages for sale; and
- (d) the prices at which beverages may be purchased,

and, where the licensed premises is a dining room, dining lounge or entertainment lounge a food menu shall be prominently displayed in the licensed premises. O. Reg. 351/80, s. 5 (3).

(20) Every holder of a licence shall file with the Board when it so requests a copy of the lists and signs used by the licensee under subsection (19).

(21) Except during hours when live entertainment is provided on the licensed premises and a higher price may be charged for liquor or a drink containing liquor, the price of liquor or a drink containing liquor shall be the same during all hours of operation of a licensed premises.

(22) All evidence of the service and consumption of liquor shall be removed within one half-hour after the sale and service of liquor ceases in a licensed premises.

(23) Every premises for which a public house licence or lounge licence is issued shall be cleared of patrons within one-half hour after the sale and service of liquor ceases.

(24) Draught beer may only be sold and served in a premises for which a dining room or dining lounge licence is issued by the individual serving and not in a jug or pitcher.

(25) The holder of a licence shall not require that a person purchase a minimum number of drinks in order to gain entry or remain on the licensed premises. O. Reg. 1008/75, s. 6 (18-23).

(26) Every holder of an entertainment lounge licence shall ensure that at least one hour of live entertainment is provided in each four-hour period that the premises for which the licence is issued is open for business. O. Reg. 781/76, s. 4 (2).

COVER CHARGES

10.—(1) Where entertainment is provided to patrons of premises for which a dining lounge or dining room licence is issued, the holder of the licence may charge a fee for entry to the licensed premises to cover the costs of entertainment provided that there are other facilities in the establishment where patrons may be served a meal at regular meal hours and where no entry fee is charged.

(2) Where the holder of licence imposes a cover charge for entry into a premises, notice of such charge and the amount thereof shall be indicated at the entrance to the premises and on a card placed on all tables.

(3) All advertisements placed by a licence holder referring to premises where there is a cover charge shall make reference to the existence of such charge.

(4) For the purposes of subsections 9 (6) and (7), fees collected from a cover charge shall not be included in the calculation of food sales. O. Reg. 1008/75, s. 7.

FOOD SERVICE IN LICENSED PREMISES

11.—(1) Food may be served in a licensed premises at any time during the hours of operation of the premises.

(2) During the hours a premises for which a dining room or dining lounge licence is issued is open for business, meals shall be served at regular meal hours and food shall be available at all other hours. O. Reg. 1008/75, s. 8 (1, 2).

(3) Where a licence is issued for premises in a hotel, the holder of the licence shall ensure that meals are available to patrons of the hotel during regular meal hours and that food is available to patrons during reasonable hours. O. Reg. 590/78, s. 7.

(4) Except for a self-service cafeteria located in a hotel and subject to subsection 30 (5) and subsection 34 (1), every holder of a licence for premises for which a dining room, dining lounge or entertainment lounge licence is issued shall provide table service of food on the premises.

(5) The holder of a licence of premises for which an entertainment lounge licence is issued shall provide food at all times during the hours of operation of the premises.

(6) Every licensed premises where food is required to be served shall provide furnishings which are suitable for comfortable dining. O. Reg. 1008/75, s. 8 (4-6).

HOTELS—COMMON AREAS

12.—(1) Subject to subsections (2) and (3), where there is more than one licensed area used primarily as a meeting or banquet room on one level in a hotel, and all the licensed premises on that level are used by one organization, a service bar may be set up in the common area adjacent to the meeting or banquet rooms. O. Reg. 781/76, s. 5.

(2) Prior to setting up a service bar in a common area for the first time under subsection (1), the holder of the licence shall notify the Board of the method of operation of the facilities for serving liquor and the controls on admission to the common area.

(3) Entry to a common area where there is a service bar shall be by ticket and the total number of persons attending the function shall not exceed the aggregate number permitted by the licences for licensed premises being used. O. Reg. 1008/75, s. 9 (2, 3).

FACILITIES OF LICENSED PREMISES

13.—(1) Except for licensed premises in an aircraft, railway car and ship, no premises for which a licence is issued shall contain less than twelve square feet of floor space for each person allowed therein under the authority of the licence, not including employees.

O. Reg. 351/80, s. 6.

(2) Where facilities for dancing are provided in a licensed premises, the dance floor shall not occupy less than one-fifth of the total floor space of the licensed premises.

(3) When music for dancing is provided, the capacity of a room in which a dance floor is situate shall be calculated in respect of that portion of the licensed premises that is not occupied by the dance floor. O. Reg. 1008/75, s. 10 (3, 4).

(4) Where a dance floor is not in use in a licensed premises, tables and chairs may be set up on the dance floor and the capacity of the room shall be calculated in accordance with subsection (1). O. Reg. 123/78, s. 4 (2).

(5) No dining lounge licence or dining room licence shall be issued for premises in an establishment where the seating capacity is less than twenty persons. O. Reg. 590/78, s. 8.

14.—(1) Every holder of a licence shall provide storage space for the storage of liquor at a place convenient to the bar or tap room in the establishment where the licensed premises is located.

(2) Notwithstanding subsection (1), where it is not practical for a licence holder to store all his liquor in the establishment where the licensed

premises is located or where the licence is granted in respect of an aircraft, railway car or ship, the holder of the licence may use storage space not in the establishment where the licensed premises is located.

(3) Where storage space for liquor is not provided in the establishment where the licensed premises is located, the applicant or the licensee, as the case may be, shall notify the Board where the liquor is to be stored. O. Reg. 1008/75, s. 11.

15. Premises for which an entertainment lounge licence is issued shall have a minimum capacity for 200 persons in one room. O. Reg. 1008/75, s. 12.

16.—(1) Sanitary facilities are required in licensed premises and shall be in accordance with sections 50, 51 and 52 of Regulation 840 of Revised Regulations of Ontario, 1980.

(2) Public washrooms in a hotel shall be located so that it is unnecessary for a patron in a dining area in that hotel to enter premises for which a lounge or public house licence is issued in order to reach a public washroom. O. Reg. 1008/75, s. 13.

LICENSED PREMISES—BUILDING REQUIREMENTS

17.—(1) Every licensed premises shall be kept completely separate from an unlicensed premises and premises in the same establishment that are issued different classes of licence shall be kept completely separate from each other.

(2) Subject to subsection (3), where a separation is required between premises in the same establishment under subsection (1), the separation shall be in the form of a floor-to-ceiling partition.

(3) Where the installation of a floor-to-ceiling partition would create a disruption in the heating or ventilating system of a premises, the separation required under subsection (1) may be less than ceiling height provided that it is seven feet in height or greater. O. Reg. 1008/75, s. 14.

(4) Notwithstanding subsections (1) and (2), a movable partition acceptable to the Board and less than seven feet in height may be installed in licensed premises in clubs and recreational facilities in areas used for viewing a sporting activity. O. Reg. 590/78, s. 9.

18.—(1) It is a term and condition of a licence that is issued for the first time or a renewal thereof, that the licensed premises are in accordance with the requirements of the *Building Code Act*, and the regulations thereunder.

(2) Where a licensed premises is altered and a building permit is required under the *Building Code Act* to carry out the alterations, it is a term and condition of the licence that the premises as altered are in compliance with the *Building Code Act* and the regulations thereunder. O. Reg. 1008/75, s. 15.

19.—(1) It is a term and condition of a licence issued to a premises in a hotel that the premises are in accordance with the requirements of the *Hotel Fire Safety Act*, and the regulations thereunder.

(2) It is a term and condition of a licence that the premises comply with any local by-law respecting fire in force in the municipality where the licensed premises is located. O. Reg. 1008/75, s. 16.

20. It is a term and condition of a licence or permit that where there is a kitchen in the licensed premises the kitchen meets the requirements set out in Regulation 840 of Revised Regulations of Ontario, 1980. O. Reg. 1008/75, s. 17.

21.—(1) Every bar in a licensed premises shall contain at the bar or in a location convenient to the bar,

(a) a utility sink;

(b) glass washing facilities;

(c) a refrigeration unit in good working condition.

(2) Where cocktails are served in a licensed premises, a cocktail mix unit shall be provided in a location convenient to the bar.

(3) Every premises for which a lounge or public house licence is issued shall contain a service bar.

(4) The holder of a dining room or dining lounge licence may set aside an area within the licensed premises as a waiting room where liquor may be served to patrons prior to a meal and the receipts from the sale of liquor in such area shall be included in calculating the receipts for the purposes of subsection 9 (6). O. Reg. 1008/75, s. 18.

SIGNS

22.—(1) No sign displayed on the exterior of a licensed establishment shall make reference to the holding of a licence or the rights granted thereunder except a sign stating,

(a) "A
(insert class of premises)

under the *Liquor Licence Act*";

(b) "A
(insert class of premises)

under the *Liquor Licence Act*" together with a statement of licences held; or

(c) the licences held,

as the case may be, which shall be in letters not exceeding five inches in height and shall make no other reference to the availability of liquor.

(2) Where a licensed premises was classified as a tavern under *The Liquor Licence Act*, being chapter 250 of the Revised Statutes of Ontario, 1970, or any predecessor of that Act, on the 2nd day of January, 1976, a sign under subsection (1) may contain the word "tavern" to designate the class of premises. O. Reg. 1008/75, s. 19.

APPLICATION FOR EXTENSION TO LICENSED PREMISES

23.—(1) Where the holder of a licence applies to the Board for a licence that would increase the seating capacity of his licensed premises or that would create a new licensed area in his establishment, the applicant for the licence is exempt from the requirements of subsections 6 (3) and (4) of the Act where the additional seating capacity proposed in the application does not exceed 25 per cent of the total seating capacity of the existing licensed premises.

(2) Notwithstanding subsection (1), where the holder of a licence of premises licensed as a public house or a lounge in a hotel applies to the Board for a licence that would increase the seating capacity of the premises licensed as a public house or lounge or that would create new premises licensed as a public house or a lounge in the hotel, the applicant is exempt from the requirements of subsections 6 (3) and (4) of the Act. O. Reg. 123/78, s. 5.

ADVERTISING BY LICENCE HOLDERS OTHER THAN MANUFACTURERS

24.—(1) Subject to subsection (2), no holder of a licence issued under section 4 of the Act shall advertise that liquor is available for sale other than by reference in the advertisement to the class of premises or the class of licence held and such advertisement may be published without prior approval of the Board.

(2) The holder of a licence issued under section 4 of the Act may publish an advertisement which contains more specialized information respecting the sale of liquor than that permitted under subsection (1) where he has obtained the prior approval of the Board.

(3) A restaurant, hotel, resort or recreational facility may publish advertisements, pamphlets or brochures of its facilities which include photographs of licensed premises within the hotel restaurant

resort or recreational facility, as the case may be, where such pamphlets, advertisements or brochures have been submitted and approved by the Board prior to publication. O. Reg. 1008/75, s. 20 (1-3).

(4) No holder of a licence or permit shall offer or give to a patron free liquor, free food, a prize resulting from a draw or a sales package offering an unspecified amount of liquor.

(5) A holder of a licence may offer prizes to patrons who participate in a competition within the licensed premises provided that the maximum value of all prizes for each competition shall not exceed \$25 in cash, trophies or merchandise certificates and in no circumstances shall the total value of prizes awarded in any one evening exceed \$100.

(6) Notwithstanding subsection (5), no holder of a licence shall permit competitions in a licensed premises which involve the consumption of liquor and no holder of a licence shall permit liquor to be offered or given as a prize in a competition. O. Reg. 165/79, s. 3.

(7) The holder of a licence may, subject to the approval of the Board, offer a sales package which includes a specified amount of liquor. O. Reg. 590/78, s. 10, *part*.

25.—(1) Except for the filming of news, no licensed premises shall be used as a setting for a television or film production during the hours of operation of the licensed premises.

(2) Where a licensed premises is used as a setting for a television or film production, the name of the establishment shall not be shown.

(3) Where a licensed premises is used as a setting for a television or film production, the licence holder shall not serve or permit to be served any liquor to the performers or any persons in the audience. O. Reg. 1008/75, s. 21.

CLUB LICENCES—ADDITIONAL TERMS AND CONDITIONS

26.—(1) Every application for a club licence shall be accompanied by a copy, certified by an officer or director of the club as being a true copy, of the constitution and by-laws of the club, including complete details on eligibility for membership and the various categories, if any, of membership in the club.

(2) Subject to subsection 40 (4), no liquor shall be sold in premises for which a club licence is issued except to a member of the club, a spouse of a member or a registered guest of a member or such person as may be specified in the by-laws or constitution of the club as having access to the privileges of the club by reason of a reciprocal agreement with another club.

(3) The officers and directors of a club licensed under the Act shall ensure that,

- (a) a list of the names and addresses of all members of the club;
- (b) a register for recording all guests and member sponsoring such guest admitted to the licensed premises of the club; and
- (c) a list of all dues paid or owing by members of the club,

are maintained.

(4) The constitution or by-laws of a club licensed under the Act shall set out the dues payable by each member of the Club.

(5) The officers and directors of a club licensed under the Act shall ensure that any amendment to the constitution or by-laws of the club is forwarded forthwith upon its enactment to the Board.

(6) For the purpose of the Act and this Regulation, a member of a fraternal club, labour club or veterans' club in Canada shall be deemed to be a member of a branch of any such club in respect of which a licence is issued, if the rules of the organization and of the branch so permit. O. Reg. 1008/75, s. 22 (1-6).

(7) When required by the Board, a club shall submit a list of the names of the officers of the club.

(8) With each application for renewal of its licence, a club shall submit,

- (a) a list, certified by an officer or director of the club as being a true list of the members of the club showing the various categories of members; and
- (b) a financial statement covering the last fiscal period of the club certified by the president or a senior officer of the club as being a true financial statement of the club. O. Reg. 590/78, s. 11, *part*.

(9) Subject to section 40, no club licensed under the Act shall publicly advertise any event held on the licensed premises. O. Reg. 1008/75, s. 22 (8).

(10) The total number of seats contained in all licensed premises located within a club shall not exceed more than one and one-half seats per member. O. Reg. 590/78, s. 11, *part*.

(11) Premises for which a club licence—dining lounge is issued shall have kitchen facilities for the preparation of meals. O. Reg. 781/76, s. 6.

HOTEL LICENCES—ADDITIONAL TERMS
AND CONDITIONS

27.—(1) Subject to subsection (2), the capacity of all premises in a hotel for which a lounge licence or public house licence is issued shall not exceed five seats for each private guest room in the hotel.

(2) Premises in a hotel for which a lounge or public house licence is issued may contain more than five seats for each private guest room in the hotel where, on the 2nd day of January, 1976,

(a) the premises were licensed under the Act; and

(b) such premises contained more than the number of seats allowed under subsection (1).

(3) Where, on the 2nd day of January, 1976, the capacity of all premises in a hotel for which a lounge licence or public house licence was issued exceeded the number allowed under subsection (1), and where alterations or renovations to any or all of such premises are to be made, the capacity of all premises for which a lounge licence or public house licence is issued shall not, after the alterations or renovations, exceed the capacity before the alterations or renovations took place. O. Reg. 590/78, s. 12.

28.—(1) Where a licence is issued for premises in a hotel and the hotel provides room service, the sale and service of spirits shall be by miniature bottles as sold by the Liquor Control Board of Ontario where the brand of spirit requested is available in miniature bottles.

(2) Where a hotel provides room service, liquor shall be delivered to a guest in his guest room only by a person authorized by the licence holder.

(3) Where the room service business of the licensee is not substantial enough to warrant the keeping of miniature bottles solely for room service, or where miniature bottles are not available in the brand requested, the licensee may sell spirits by means other than by miniature bottles where he so notifies the Board in writing of his intention to do so.

(4) Where a cocktail is ordered by an occupant of a guest room in a hotel, the sale and service of the cocktail may be by the glass.

(5) Spirits may be sold to registered guests by the bottle or by the glass during a reception held by a registered guest in a hotel where the reception is in a private guest room and where a bartender from the hotel is present.

(6) Beer shall be sold only by the bottle or can and wine by the bottle, carafe or glass where ordered by an occupant in a guest room in a hotel.

(7) Room service of liquor in a hotel shall be provided only during the hours of operation of the licensed premises in the hotel. O. Reg. 1008/75, s. 24.

(8) Where a licence is issued for premises in a resort and the resort provides room service to guests, the provisions of subsections (1) to (7) with respect to room service in a hotel shall apply with necessary modifications to room service in a resort. O. Reg. 57/80, s. 4.

PATIO LICENCES—ADDITIONAL TERMS AND
CONDITIONS

29.—(1) A patio licence may only be issued for an outdoor area adjoining or adjacent to a licensed premises or, in the case of a resort, an outdoor area used for group activities or gatherings. O. Reg. 57/80, s. 5.

(2) For the purposes of this section the licensed premises referred to in subsection (1) are referred to as the "head licence".

(3) Where a patio licence is issued, the type of liquor that may be sold under the patio licence is limited to the type authorized to be sold under the head licence.

(4) An outdoor area for which a patio licence is issued shall be under the control of the same person holding the head licence.

(5) Where a patio licence is issued and the head licence is a dining room or dining lounge licence, the sales of liquor and food in the area for which the patio licence is issued shall be included with records kept for the head licence for the purpose of subsection 9 (6).

(6) No outdoor area for which a patio licence is issued shall contain a greater number of seats than the number of seats contained in the head licence.

(7) Where entertainment is provided in an area for which a patio licence is issued, the entertainment shall be of a type that does not disturb persons on neighbouring premises. O. Reg. 123/78, s. 6, *part*.

RECREATIONAL FACILITIES—ADDITIONAL
TERMS AND CONDITIONS

30.—(1) Liquor may only be sold and served in a recreational facility to persons entitled to use the facility.

(2) Liquor may only be sold and served in a recreational facility when that facility is in operation and use and,

(a) in the case of a golf course, the period for sale and service shall not commence prior to the 1st day of April nor extend beyond the 30th day of November in any year;

(b) in the case of a skiing facility, the period for sale and service shall not commence prior to the 1st day of November nor extend beyond the 30th day of April; and

(c) in the case of a curling facility, the period for sale and service shall not commence prior to the 1st day of September nor extend beyond the 30th day of April in any year.

(3) Every holder of a licence for a recreational facility shall notify the Board prior to the commencement of its operations each year.

(4) Notwithstanding subsection (1), a recreational facility may sell liquor to persons who attend an event as observers where the recreational facility is host to an event of provincial, national or international nature and the public is invited to observe the event and the licensee notifies the Board in writing at least sixty days prior to the event.

(5) Food may be served on a self-service basis in a premises for which a dining room or dining lounge licence is issued in a recreational facility.

(6) Where a recreational facility contains premises for which a lounge licence has been issued, food shall be available in the licensed premises during the hours of operation of the premises.

(7) Liquor may only be served in a recreational facility under the supervision of an employee authorized by the licensee for that purpose. O. Reg. 1008/75, s. 26.

GOLF COURSES

31.—(1) Subject to subsection (2), premises on a golf course for which a dining room, dining lounge or lounge licence is issued shall have,

(a) kitchen facilities for providing meals;

(b) locker and shower accommodation adequate for the number of players commonly using the facility; and

(c) table service or cafeteria service in the dining lounge or dining room.

(2) Premises on a golf course for which a public house licence is issued shall provide a kitchen suitable for the preparation of hot or cold foods. O. Reg. 1008/75, s. 27.

SKIING AND CURLING FACILITIES

32.—(1) Premises that are part of a skiing or curling facility for which a dining room, dining lounge or lounge licence is issued shall have,

(a) kitchen facilities for providing meals; and

(b) table or cafeteria service in a dining room or dining lounge.

(2) Premises on a skiing or curling facility for which a public house licence is issued shall provide a kitchen suitable for the preparation of hot or cold foods. O. Reg. 1008/75, s. 28.

RACQUET FACILITIES

33.—(1) Premises that are part of a racquet facility for which a dining room, dining lounge or lounge licence is issued shall have,

(a) kitchen facilities for providing meals;

(b) locker and shower accommodation adequate for the number of players commonly using the facility; and

(c) table or cafeteria service in a dining room or dining lounge.

(2) Premises on a racquet facility for which a public house licence is issued shall provide a kitchen suitable for the preparation of hot or cold foods. O. Reg. 1008/75, s. 29.

(3) Where a recreational facility provides racquet facilities only, the capacity of the licensed premises shall not exceed ten seats for each enclosed and usable court in the case of a lounge licence or public house licence and twenty seats for each enclosed and usable court in the case of a dining lounge licence or dining room licence or patio licence. O. Reg. 165/79, s. 4.

CANTEENS—ADDITIONAL TERMS AND CONDITIONS

34.—(1) Food may be served on a self-service basis in a premises for which a dining room or dining lounge licence is issued in a canteen.

(2) Bottles or cans of beer and bottles or carafes of wine may be sold on a self-service basis in a canteen where food is sold on a self-service basis provided each sale is controlled and supervised by a person authorized by the licensee.

(3) Liquor may only be sold and served in a canteen to those categories of persons referred to in clause 1 (c). O. Reg. 1008/75, s. 30.

CANTEENS—ADDITIONAL TERMS AND CONDITIONS POST-SECONDARY EDUCATIONAL INSTITUTIONS

35.—(1) An application for a licence in a canteen in a post-secondary educational institution shall be made by the chief administrative officer of the institution.

(2) A licensed premises in a post-secondary educational institution shall be,

- (a) in an enclosed area;
- (b) located only as shown on plans submitted to the Board; and
- (c) separate and apart from other areas in the facility.

(3) Where a licence is issued for a canteen located in a post-secondary educational institution and the premises is normally used as a dining hall or cafeteria, provision shall be made for a separate area in the same room or in a nearby location for the serving of meals where no liquor is sold or served.

(4) Where a post-secondary educational institution is issued a licence to operate a canteen and the licensed premises is used for the sale and service of liquor only on an occasional basis, when it is used for the sale and service of liquor a supply of tables and chairs shall be provided adequate to meet the anticipated attendance of the premises.

(5) Where a licence for a canteen in a post-secondary educational institution is issued for a premises normally used as a gymnasium or other similar recreational area, no liquor shall be sold or served in conjunction with an athletic event taking place in the premises.

(6) No licence shall be issued for a room or other area in a post-secondary educational institution ordinarily used as a classroom, lecture room, hallway, rotunda, foyer, board room, office, amphitheatre or any area containing bleachers or tier seating.

(7) Where a licence has been issued for a canteen in a post-secondary educational institution and such canteen is normally operated by an outside caterer, the caterer may operate a liquor service bar where,

- (a) the Board is notified in writing of the use of the caterer prior to the operating of the service bar; and
- (b) the caterer is paid a flat fee for his services and such fee is not based on a percentage of sales or on a commission basis.

(8) Where a licence has been issued for a canteen in a post-secondary educational institution, the chief administrative officer of the institution shall submit to the Board a copy of any proposed agreement with another party for the management of the licensed premises. O. Reg. 1008/75, s. 31, (1-8).

GAMES EQUIPMENT

36.—(1) Where any mechanical electrical or electronic device or other equipment used for lawful

games or amusement is installed in a licensed premises, the licensee shall remove or cause to be removed from the licensed premises one seat for every five square feet of floor space or portion thereof in the licensed premises occupied by the device or other equipment.

(2) Notwithstanding subsection (1), the ratio of seats to devices and other equipment in a licensed premises shall not be less than twenty-five to one and in no licensed premises shall the number of devices and other equipment exceed five at any one time.

(3) The provisions of this section do not apply to premises for which a special occasion permit has been granted, where the holder of the permit has obtained a licence issued by or under the authority of the Lieutenant Governor in Council of Ontario to conduct and manage a lottery scheme under the *Criminal Code* (Canada). O. Reg. 751/76, s. 1.

SPECIAL OCCASION PERMITS—GENERAL

37.—(1) The terms and conditions applicable to the holder of licences as set out in section 8 apply with necessary modifications to holders of special occasion permits.

(2) Subject to section 39, a special occasion permit shall not be issued for an event that is conducted with the intention of gain or profit. O. Reg. 1008/75, s. 33 (1, 2).

(3) The sale and service of liquor at an event under the authority of a special occasion permit—sale may take place only in a municipality where an affirmative vote has been taken under section 26 of the Act on any one or more of questions 4, 5, 6, 7 or 8 of section 64.

(4) The service of liquor at an event under the authority of a special occasion permit—no sale may take place in any area or municipality. O. Reg. 123/78, s. 7 (1).

(5) Liquor sold under the authority of a special occasion permit shall be restricted to the types of liquor permitted to be sold and served in licensed premises in the area or municipality where the event occurs. O. Reg. 1008/75, s. 33 (4).

(6) Liquor may be sold and served under the authority of a special occasion permit only during the hours specified therein and all evidence of the service and consumption of liquor shall be removed within one-half hour after the expiry of such time period.

(7) No liquor shall be sold in premises for which a special occasion permit has been issued during any time period when a licensed premises is not permitted to sell liquor.

(8) Except where there is an adequate supply of food to serve to the persons attending the event, no liquor shall be sold or served under the authority of a special occasion permit.

(9) An application for a special occasion permit shall be on a Form supplied by the Board and subject to subsection 40 (9) and subsection 45 (5) shall be submitted to the Board at least ten days prior to the event for which the permit is requested.

(10) The holder of a special occasion permit shall ensure that the number of persons attending the event does not exceed the capacity stated on the permit.

(11) The holder of a special occasion permit shall provide adequate security to ensure unauthorized persons do not attend the event and that the terms and conditions of the permit and the provisions of the Act and this Regulation are observed. O. Reg. 1008/75, s. 33 (5-10).

(12) No person under the age of nineteen years shall be admitted to an event held under the authority of a special occasion permit unless the applicant has specified in his application for a permit that he intends to admit persons under the age of nineteen years. O. Reg. 590/78, s. 13.

(13) Except for liquor served under the authority of a special occasion permit issued to a diplomat or a consular office of career, no liquor may be served under a special occasion permit unless the liquor is purchased from a government store under the *Liquor Control Act* and the regulations thereunder. O. Reg. 1008/75, s. 33 (12).

(14) Notwithstanding subsection (13), wine that has not been purchased from a government store under the *Liquor Control Act* and the regulations thereunder, may be served under the authority of a special occasion permit that does not permit the sale of liquor to a group or association provided that,

- (a) the wine is made by members of the group or association;
- (b) the objects of the group or association are the testing, exhibition and judging of wine made by its members; and
- (c) where the testing, exhibiting or judging of the wine is open to the public, no wine is served to persons who are not members of the group or association. O. Reg. 781/76, s. 7 (1).

(15) The maximum amount of liquor that may be purchased for each person attending an event held under the authority of a special occasion permit shall be, for each three-hour period,

- (a) four ounces of spirits or four bottles of beer or any combination thereof; and

- (b) one-half bottle of wine. O. Reg. 123/78, s. 7 (3), *part*.

(16) The holder of a special occasion permit shall ensure that the special occasion permit issued to him by the Board and a purchase permit issued by the Liquor Control Board of Ontario is posted near the main bar on the premises for which the permit is issued. O. Reg. 1008/75, s. 33 (14).

(17) No premises for which a special occasion permit has been issued shall contain less than twelve square feet of floor space for each person allowed therein under the authority of the permit. O. Reg. 123/78, s. 7 (3), *part*.

(18) Subject to subsection 42 (2), no event shall take place in a dwelling or rooms used in conjunction with a dwelling under the authority of a special occasion permit. O. Reg. 781/76, s. 7 (2).

(19) Where required by the Board, the holder of a special occasion permit or, in the case of an organization, the person who made the application for the permit shall within forty-eight hours of the holding of the event make a written report to the Board stating the amount of liquor purchased for the event and the amount of liquor that was not consumed at the event.

(20) Where required by the Board, the holder of a special occasion permit shall return all bottles of liquor not consumed at the event for which the permit is issued to the Liquor Control Board of Ontario.

(21) An order for the purchase of liquor by the holder of a special occasion permit for the sale of liquor shall be made in writing upon a purchase permit form supplied by the Liquor Control Board of Ontario. O. Reg. 1008/75, s. 33 (17-19).

(22) Notwithstanding subsection (21), no purchase permit is required where a special occasion permit is issued for the sale of liquor at a wedding reception. O. Reg. 530/80, s. 1, *part*.

SPECIAL OCCASION PERMITS—SUNDAYS

38.—(1) Liquor may be sold or served on a Sunday under the authority of a special occasion permit between the hours of 12 noon and 10 p.m. at an event where,

- (a) the liquor is served to a person having a meal while seated at a table; and
- (b) receipts from the sale of liquor do not exceed the receipts from the sale of food.

(2) A special occasion permit authorizing the sale or service of liquor on a Sunday is valid only for one three-hour period or where two meals

are to be served at the event for one six-hour period or two three-hour periods as set out in the permit.

(3) Notwithstanding subsections (1) and (2), liquor may be sold or served on a Sunday under the authority of a special occasion permit between the hours of 12 noon and 10 p.m. at an event which is a municipal international, national or provincial convention at which no meal is provided.

(4) Notwithstanding subsections (1) and (2), liquor may be served on a Sunday at a religious function under the authority of a special occasion permit that does not permit the sale of liquor.

(5) When the last day of December falls on a Sunday, liquor may be served on that day between the hours of 6 p.m. and 1 a.m. of the following day under the authority of a special occasion permit at an event where a meal is served. O. Reg. 1008/75, s. 34.

(6) Notwithstanding subsections (1) and (2), Ontario wine may be sold or served on a Sunday under the authority of a special occasion permit issued to the Ontario Grape Growers Marketing Board for its Foodland Ontario Program. O. Reg. 565/80, s. 1.

SPECIAL OCCASION PERMITS—FUND RAISING

39.—(1) A special occasion permit for the sale and service of liquor may be issued for an event that is conducted for a purpose that will promote the advancement of charitable, educational or religious works or to serve community needs.

(2) A special occasion permit for an event described in subsection (1) may only be issued to a charitable organization registered under the *Income Tax Act* (Canada) or a service group or other association organized for the advancement of charitable, educational, religious or community objects.

(3) Advertising with respect to an event for which a special occasion permit is issued under this section shall be limited to indicating,

- (a) the name of the event;
- (b) the purpose and sponsorship of the event;
- (c) the admission charge (if any);
- (d) the place of the event; and
- (e) the entertainment,

and the advertisement may indicate that a special occasion permit has been issued for the event.

(4) The holder of a special occasion permit issued with respect to an event to promote the advancement of charitable, educational or religious works or to serve community needs shall, when

required by the Board, submit to the Board a statement completed by a public accountant licensed under the *Public Accountancy Act* setting out,

- (a) the total gross receipts derived from the sale of liquor at the special occasion;
- (b) the total gross receipts derived from the sale of food at the special occasion;
- (c) an itemized list of the administrative and other costs actually incurred in conducting the special occasion; and
- (d) the total cash proceeds donated for charitable, educational, religious or community objects.

(5) A game of chance licensed under the authority of the Lieutenant Governor in Council under the *Criminal Code* (Canada) may be played at an event held under the authority of a special occasion permit where the event is to promote the advancement of charitable, educational or religious works or to serve community needs and the Board may require the holder of the licence to submit to the Board, a statement completed by a public accountant licensed under the *Public Accountancy Act* setting out,

- (a) the total proceeds resulting from the game of chance;
- (b) the amount of proceeds donated for charitable, educational, religious or community objects; and
- (c) the administrative costs, if any, of running the game of chance. O. Reg. 1008/75, s. 35.

(6) An application for a special occasion permit for an event described in subsection (1) shall be submitted to the Board not less than thirty days prior to the event. O. Reg. 530/80, s. 2, *part*.

SPECIAL OCCASION PERMITS—COMMUNITY FESTIVALS

40.—(1) Where a resolution approving an event as a community festival has been made by the local council for the municipality in which the event is to occur, a special occasion permit may be issued for the sale and service of liquor during the event.

(2) A copy of the resolution referred to in subsection (1) shall accompany an application for a special occasion permit for the sale and service of liquor at an event that is a community festival and evidence that the police, fire department and medical officer of health have been notified,

- (a) that the event is to take place; and

(b) where the event is to take place, shall accompany the application.

(3) A special occasion permit under this section may only be issued to persons eligible for a permit issued under section 39.

(4) Where a special occasion permit is issued for the sale and service of liquor at an event that is a community festival and where the event is held on premises for which a club licence is issued, liquor may be sold and served to members of the public attending the event.

(5) A special occasion permit for the sale and service of liquor at an event that is a community festival is valid for the time specified in the permit but in no case shall a permit be issued for longer than one ten-day period.

(6) Notwithstanding subsection (5), where an individual, club or association applies for more than one special occasion permit in any calendar year for events that are community festivals, the total number of days for all such permits shall in no case exceed ten for each calendar year.

(7) No advertising relating to an event that is a community festival and that is held under the authority of a special occasion permit shall be published or in any way disseminated until the advertising is approved by the Board.

(8) Advertising referred to in subsection (5) shall be submitted to the Board for its approval not less than sixty days prior to the event.

(9) An application for a special occasion permit for an event that is a community festival shall be submitted to the Board not less than sixty days prior to the event. O. Reg. 1008/75, s. 36.

SPECIAL OCCASION PERMITS—SOCIALS

41.—(1) A special occasion permit may be issued for the sale and service of liquor at an event that is a social where the event is to be attended by participants of a group or association and guests invited by such participants.

(2) No advertising shall be published or in any way disseminated where the advertising relates to an event that is a social and that is held under the authority of a special occasion permit. O. Reg. 1008/75, s. 37.

SPECIAL OCCASION PERMITS—OTHERS

42.—(1) Notwithstanding subsections 37 (2) and (7), a special occasion permit may be issued for the sale and service of liquor at a special event that is of municipal, provincial, federal or international significance. O. Reg. 55/78, s. 1.

(2) Notwithstanding subsection 37 (18), a special occasion permit may be issued for the sale and service of liquor at an event to be held in a common room of a condominium where,

- (a) the holding of the event has been approved by a resolution of the board of directors of the condominium corporation;
- (b) the applicant for the permit is a member of the board of directors of the condominium corporation;
- (c) the event is held for the purpose of raising funds for purposes beneficial to the condominium community; and
- (d) no other event for which a special occasion permit was issued has been held on the condominium property during the calendar year. O. Reg. 1008/75, s. 38 (2).

(3) A special occasion permit may be issued for the sale and service of wine where the consumption is part of a course of study designed to increase an individual's knowledge of wine. O. Reg. 123/78, s. 8.

43.—(1) Subject to subsection (2), no event where liquor is sold or served under the authority of a special occasion permit shall be held in an enclosed shopping mall during the hours when stores are open for business.

(2) Subsection (1) does not apply to an auditorium, banquet room or similar facility located on the premises for which the permit is issued. O. Reg. 1008/75, s. 39.

44.—(1) A special occasion permit may be issued to a winery licensed under the Act for the purpose of acquainting the public with its products where the event is part of the winery's promotional activities that are approved by the Board.

(2) Where a special occasion permit—sale is issued under this section, the selling price of the wine shall not exceed the cost of the wine to the winery. O. Reg. 123/78, s. 9.

SPECIAL OCCASION PERMITS—OUTDOORS

45.—(1) For the purposes of this section and section 46, "an event held outdoors" includes an event held under a tent.

(2) A special occasion permit may be issued to sell or serve liquor at an event to be held outdoors in a public park where the event is a special occasion for which a permit may be issued under sections 37 to 43.

(3) A special occasion permit may be issued to sell or serve liquor outdoors in a place other

than a public park only where the event is of municipal, provincial, federal or international significance.

(4) No liquor shall be sold or served at an event held outdoors in a public park unless the event is held in a clearly defined area that is separated from the rest of the park.

(5) An application for a special occasion permit to sell or serve liquor at an event to be held outdoors in a public park shall be accompanied by,

- (a) a letter setting out the nature, purpose and scope of the event, estimated attendance and security and control measures to be provided;
- (b) plans showing the location of,
 - (i) the event,
 - (ii) any buildings or tents to be used,
 - (iii) the place where food is to be served and consumed,
 - (iv) the service bars, and
 - (v) displays or booths;
- (c) a resolution of the local council in the municipality where the event is to be held approving the event and its location; and
- (d) evidence that the police, fire department and the medical officer of health have been notified,
 - (i) that the event is to take place, and
 - (ii) the location of the event,

and shall be submitted to the Board at least thirty days prior to the event.

(6) The holder of a special occasion permit to sell or serve liquor at an event held in a public park may only serve beer at such an event and where beer is served it shall be served in a plastic or paper container of not more than twelve ounces capacity. O. Reg. 1008/75, s. 40 (1-6).

(7) Subsection (6) does not apply to an event held under a special occasion permit issued to the Ontario Grape Growers Marketing Board for its Foodland Ontario Program. O. Reg. 565/80, s. 2.

(8) No special occasion permit shall be issued to sell or serve liquor at an event to be held under a tent in a public park where there are

permanent buildings or licensed establishments available in the park that are adequate for the event.

(9) Where required by the Board, every holder of a special occasion permit issued to sell or serve liquor at an event held outdoors shall within three months of the event submit to the Board a statement, audited by a public accountant licensed under the *Public Accountancy Act*, showing,

- (a) the costs of the event;
- (b) the gross receipts from the event;
- (c) the net profits from the event; and
- (d) the disposition of the profits.

(10) The holder of a special occasion permit to sell or serve liquor at an event held under a tent shall ensure that no more persons are admitted to the tent at any one time than the lesser of,

- (a) the number of persons specified in the permit; or
- (b) 500 persons.

(11) The holder of a special occasion permit to sell or serve liquor at an event held outdoors shall ensure that the following are provided:

- (a) where the anticipated attendance is 100 persons or less, not less than four toilets to be equally divided between men and women;
- (b) an additional toilet shall be provided for each fifty persons over 100 persons expected to attend;
- (c) handwashing facilities or wash and dry towels shall be available at each toilet; and
- (d) an attendant to keep clean the facilities referred to in clauses (a), (b) and (c). O. Reg. 1008/75, s. 40 (7-10).

46.—(1) A special occasion permit may not be issued to sell or serve liquor at an event to be held under a tent unless the tent conforms with the fire safety requirements set out in article 3.1.4.6 of Regulation 87 of Revised Regulations of Ontario, 1980.

(2) The holder of a special occasion permit for the sale and service of liquor at an event to be held under a tent shall provide,

- (a) at least one 10BC fire extinguisher in each food preparation area; and
- (b) at least one class 2A fire extinguisher for every 2,000 square feet or part thereof of the tent.

(3) Every waste container used in a tent shall be constructed of non-combustible material and shall be equipped with a self-closing lid.

(4) Where a special occasion permit is issued for the sale and service of liquor at an event held under a tent, no open flame cooking equipment shall be located or used within the tent.

(5) Where a special occasion permit is issued for the sale and service of liquor at an event held under a tent and open flame cooking equipment is used at the event, the open flame equipment shall be located in an area that is constructed of non-combustible material and that is separated from the tent by a minimum distance of ten feet. O. Reg. 1008/75, s. 41.

MANUFACTURERS OF LIQUOR—TERMS AND CONDITIONS

47.—(1) No manufacturer of liquor, his agent or employee shall either directly or indirectly offer or give any financial or material inducement to any person holding a licence or permit under the Act or to an agent or employee of a licensee or permittee, as the case may be, for the purpose of increasing the sale or distribution of any brand of liquor.

(2) Where books and records are required to be maintained under the Act and the regulations by a manufacturer, the books and records shall be kept in Ontario and the manufacturer shall notify the Board where the books and records are kept.

(3) No manufacturer of liquor, his agent or employee shall either directly or indirectly offer to pay or pay any commission, profit or remuneration or make any gift to a member of the Board or an employee thereof or to the Liquor Control Board of Ontario or an employee thereof.

(4) No holder of a manufacturer's licence shall for any purpose mix or permit or cause to be mixed with any liquor kept for sale, sold or supplied by him any drug or any form of methylic alcohol or any crude, unrectified or impure form of ethylic alcohol or any other deleterious substance or liquid. O. Reg. 1008/75, s. 42 (1-4).

(5) No holder of a manufacturer's licence shall publish or permit to be published any advertisement or engage in any promotional activity intended to attract public attention to its corporate name or the brand name of its products without prior approval of the Board. O. Reg. 123/78, s. 10.

(6) Except under the authority of a hospitality licence or special occasion permit no manufacturer of liquor shall in Ontario, by himself, his clerk, servant or agent give any liquor to any person. O. Reg. 1008/75, s. 42 (6).

(7) Notwithstanding subsection (6), a manufacturer of liquor or his clerk, servant or agent may give liquor to a person where the purpose of the gift is to have the person sample a new brand or product or to carry out market research. O. Reg. 781/76, s. 8.

(8) The holder of a manufacturer's licence shall provide to the Liquor Control Board of Ontario such samples of his products as are required by the Liquor Control Board of Ontario. O. Reg. 1008/75, s. 42 (7).

(9) A manufacturer shall provide the Board with such financial information as is required by the Board concerning the activities of registered representatives or the advertising and promotional activities of the company. O. Reg. 590/78, s. 14.

MANUFACTURERS OF BEER—ADDITIONAL TERMS AND CONDITIONS

48.—(1) Every manufacturer of beer shall affix to each container of beer manufactured by him a label showing the nature of the contents, the name of the licensed manufacturer and the place where the beer was brewed.

(2) For the purpose of subsection (1), the nature of the contents of the container shall be designated by the words "beer", "ale", "stout", "porter" or "lager". O. Reg. 1008/75, s. 43 (1, 2).

(3) Every manufacturer of beer shall forward to the Board in every month a return in a form approved by the Board showing the gross amount of the sales of beer made by him. O. Reg. 781/76, s. 9.

(4) Where required by the Board a manufacturer of beer shall forward to the Board a return showing the gross amount of sales for the period requested by the Board. O. Reg. 1008/75, s. 43 (4).

MANUFACTURERS OF ONTARIO WINE— ADDITIONAL TERMS AND CONDITIONS

49. It is a term and condition of a licence for the manufacturer of Ontario wine that the holder of the licence shall not refuse entry to the plant or premises where Ontario wine is produced, stored or sold, to an official designated by the Liquor Control Board of Ontario,

(a) for the purpose of recording the weight of all grapes, cherries and other fruits received at the winery and used in the production of Ontario wine and concentrates;

(b) to inspect the premises where Ontario wine is produced, sold or stored;

(c) for the purpose of taking inventory of all Ontario wine and other products contained therein; and

- (d) to inspect all records, books of account and invoices related to the manufacture, sale or delivery of Ontario wine. O. Reg. 1008/75, s. 44.

MISCELLANEOUS

50. For the purposes of clauses 1 (b) and (p) of the Act, a beverage containing alcohol in a proportion that is greater than 1 per cent of alcohol by volume or 5 per cent of alcohol by weight is to be regarded as beer or wine. O. Reg. 1008/75, s. 45.

51.—(1) The following classes of premises are prescribed as premises on which a person under the age of nineteen years may enter,

- (a) premises for which a dining room or dining lounge licence has been issued;
- (b) premises for which a hospitality licence has been issued;
- (c) premises for which a special occasion permit has been issued which states that persons under the age of nineteen years may be admitted;
- (d) premises for which a patio licence has been issued where such premises adjoins or is adjacent to premises for which a dining lounge or dining room licence has been issued;
- (e) premises for which a lounge licence or patio licence has been issued, when the premises is used on Sunday, Christmas Day and Good Friday in the manner prescribed in subsection 9 (2);
- (f) licensed premises in a club, curling rink or racquet facility during hours when there is no sale or service of liquor;
- (g) premises for which a club licence-dining lounge has been issued;
- (h) licensed premises in an aircraft, ship or railway car;
- (i) premises in a resort for which a patio licence or lounge licence is issued when the person is a guest in the resort;
- (j) premises in a theatre for which a lounge licence is issued; and
- (k) licensed premises in a convention centre. O. Reg. 590/78, s. 15; O. Reg. 57/80, s. 6; O. Reg. 351/80, s. 7; O. Reg. 565/80, s. 3; O. Reg. 1134/80, s. 5.

(2) Subsection 44 (5) of the Act does not apply to a person under the age of nineteen years who enters and remains on a licensed premises for the purpose of entertaining patrons provided that,

- (a) the Board had received consent from the parent or guardian of the person;
- (b) the Board is satisfied that the holder of the licence for the premises where the person intends to entertain will ensure that the person remains on the licensed premises only during periods when the entertainment is provided; and
- (c) the person carries evidence of consent from the Board that he may entertain on the premises. O. Reg. 1008/75, s. 46 (2).

52.—(1) No manufacturer shall employ an agent or representative or the sale and distribution of liquor unless the agent or representative is,

- (a) a full-time employee of the manufacturer; and
- (b) registered under section 38 of the Act.

(2) A representative or agent of a manufacturer employed in the sale and distribution of liquor shall comply with directives issued by the Board respecting the sale and distribution of liquor and may,

- (a) maintain liaison regarding product and brand information with managers of government stores;
- (b) assist in the arrangements for conventions, meetings and special functions;
- (c) conduct normal customer-supplier relations with persons holding a licence or permit under the Act;
- (d) solicit orders on a brand preference basis;
- (e) arrange for the delivery of liquor; and
- (f) act as agent for a purchaser of liquor. O. Reg. 590/78, s. 16.

EXEMPTIONS

53. Subsection 6 (2) of the Act does not apply to,

- (a) a theatre;
- (b) premises operated in conjunction with a retail department store where the liquor over which the owner has any contractual rights is not sold on the premises; or
- (c) a public service event sponsored by a manufacturer of liquor where the event is approved by the Board and for which a special occasion permit is issued to sell or serve liquor;
- (d) a subsidiary of a manufacturer provided that liquor produced or sold by the

manufacturer is not sold or served from the premises operated by the subsidiary. O. Reg. 1008/75, s. 47; O. Reg. 590/78, s. 17.

54.—(1) A person who purchases liquor from a government store as an agent for a person who is legally entitled to purchase liquor and charges a fee for the purchase and delivery of the liquor is exempt from the provisions of section 4 of the Act provided that,

- (a) he is in possession of a written approval from the Liquor Control Board of Ontario that he is a person entitled to purchase and deliver liquor as an agent for a fee;
- (b) no purchase of liquor is made for a principal unless a written order is obtained from the principal prior to the purchase containing,
 - (i) the name and address of the agent,
 - (ii) the kinds and quantities of liquor to be purchased, and
 - (iii) the signature of the principal;
- (c) delivery of the liquor is made to the residence of the principal and a receipt signed by the principal or any person over the age of eighteen years who resides at the place of delivery is obtained which contains,
 - (i) the principal's name and address,
 - (ii) the date of delivery, and
 - (iii) the name and address of the person making the delivery; and
- (d) the purchase and delivery of liquor is in accordance with any terms and conditions specified by the Liquor Control Board of Ontario in its letter of approval.

(2) A person, other than a manufacturer of liquor, who sells liquor to the Liquor Control Board of Ontario is exempt from the requirements of section 4 of the Act. O. Reg. 1008/75, s. 48.

55. Any product capable of human consumption that contains less than 1 per cent of alcohol by volume or 5 per cent of alcohol by weight is exempt from the provisions of the Act and this Regulation. O. Reg. 1008/75, s. 49.

56. Section 25 of the Act does not apply to premises located in that part of the Township of Wallace in the County of Perth annexed to the Town of Palmerston in the County of Wellington as of the 1st day of July, 1975 and being composed of part of Lot 21, Concession 10 of the said Town-

ship of Wallace and being more particularly described in Schedule "A" of Ontario Municipal Board Order M 74256 dated the 15th day of August, 1975 and filed with the Ontario Municipal Board. O. Reg. 259/76, s. 1.

57. Section 25 of the Act and subsection 37 (3) of this Regulation do not apply to premises located in that part of the Township of West Garafraxa in the County of Wellington annexed to the Town of Fergus in the County of Wellington as of the 1st day of June, 1977 by an Order of the Municipal Board numbered 76232 and being composed of that part of the southwest half of Lot 5 in the First Concession of the Township of West Garafraxa designated as Parts 1 and 2 according to a reference plan deposited with the Land Registrar for the Land Registry Division of Wellington North (No. 60) as Plan 60R-1483½. O. Reg. 249/78, s. 1.

58. Section 25 of the Act does not apply to premises located in the Terminal Building at London Airport. O. Reg. 93/79, s. 1.

59. Section 25 of the Act does not apply to premises used as a government store for the sale of Ontario wine where such store is located on land or premises used for the manufacture of Ontario wine. O. Reg. 57/80, s. 7.

60. The following products in containers of four ounces or less are exempt from the provisions of sections 4 and 41 of the Act:

1. Underberg Bitters
2. Rieder Bitter No. 7
3. Sechsaemtertropfen Stomach Bitters
4. Stonsdorfer Stomach Bitters
5. Hubertus Stomach Bitters
6. Hubertustropfen Stomach Bitters
7. Leibwaechter Stomach Bitters
8. Echt Stonsdorfer
9. Goetz von Berlichingen
10. Maykamp Stomach Bitter
11. Jagdkrone Stomach Bitter
12. Appenzeller Stomach Bitter
13. Knebel Boonekamp Bitter
14. Rabenvater Fine Bitter
15. Hungaricum Beverage Bitters
16. Becherovka Becher Bitter
17. Gutenberg Bitters

18. Kuemmerling Bitters
19. Jaegermeister stomach bitter
20. Petrus Boonekamp
21. Alpenbitter
22. Pelinkovac Gorki

23. Fernet Branca Bitters
24. Wunderlich Beverage Bitter
25. Pelinov Stomach Bitter
26. Lavov Stomach Bitters

27. Gorc Stomach Bitters. O. Reg. 363/77, s. 1, *part*; O. Reg. 123/78, s. 11; O. Reg. 902/78, s. 1; O. Reg. 351/80, s. 8.

61. Concentrated food and beverage flavouring extracts that are not palatable when consumed alone are exempted from the provisions of the Act and this Regulation. O. Reg. 363/77, s. 1, *part*.

LOCAL OPTION PROVISIONS

62.—(1) The issuance of a dining lounge licence or a lounge licence to a hotel, restaurant or theatre is confined to hotels, restaurants and theatres situated in a municipality where,

- (a) it was not prohibited by the law as it existed immediately prior to the 2nd day of January, 1976 for the Board to issue a dining lounge licence or lounge licence to a hotel, inn, tavern or theatre; or
- (b) an affirmative vote has been taken under section 26 of the Act on question 6 or 7, as the case may be, of section 64 of this Regulation. O. Reg. 1008/75, s. 50 (1).

(2) The issuance of a dining room licence or a public house licence is confined to premises located in a municipality where,

- (a) it was not prohibited by the law as it existed immediately prior to the 2nd day of January, 1976 for the Board to issue such licence; or
- (b) an affirmative vote has been taken under section 26 of the Act on question 4 of section 64 of this Regulation in the case of a public house licence or on questions 5, 6 or 8 of the said section 64 in the case of a dining room licence. O. Reg. 1008/75, s. 50 (2); O. Reg. 590/78, s. 18.

(3) The issuance of an entertainment lounge licence is confined to premises located in a municipality where,

- (a) it was not prohibited by the law as it existed immediately prior to the 2nd day of January, 1976 for the Board to issue either a lounge licence or a dining lounge licence; or
- (b) an affirmative vote has been taken under section 26 of the Act on question 8 of section 64 of this Regulation. O. Reg. 1008/75, s. 50 (3).

63.—(1) Canteens, recreational facilities and resorts are exempted from the provisions of sections 25, 26 and 27 of the Act and section 62 of this Regulation.

(2) Clubs that have been in active operation for a period of not less than three years are exempted from the provisions of sections 25, 26 and 27 of the Act. O. Reg. 1008/75, s. 51.

LOCAL OPTION QUESTIONS

64.—(1) For the purposes of conducting a vote under section 26 of the Act, the council of a municipality may submit any of the following questions:

1. Are you in favour of the establishment of Government stores for the sale of spirits, wine and beer?
2. Are you in favour of the establishment of Government stores for the sale of beer only for residence consumption?
3. Are you in favour of the authorization of Ontario wine stores for the sale of Ontario wine only for residence consumption?
4. Are you in favour of licensing premises for the sale of beer only for consumption on licensed premises to which both men and women are admitted whether singly or escorted?
5. Are you in favour of the sale of beer and wine only under a dining room licence for consumption on licensed premises where food is available?
6. Are you in favour of the sale of spirits, beer and wine under a dining lounge licence for consumption on licensed premises where food is available?
7. Are you in favour of the sale of spirits, beer and wine under a lounge licence for consumption on licensed premises?
8. Are you in favour of the sale of spirits, beer and wine under an entertainment lounge licence for consumption on licensed premises?

(2) For the purpose of conducting a vote under section 27 of the Act, the council of a municipality may submit any of the following questions:

1. Are you in favour of the continuance of Government stores for the sale of spirits, beer and wine?
2. Are you in favour of the continuance of Government stores for the sale of beer only for residence consumption?
3. Are you in favour of the continuance of the authorization of Ontario wine stores for the sale of Ontario wine only for residence consumption?
4. Are you in favour of the continuance of the sale of beer only under a public house licence for consumption on licensed premises?
5. Are you in favour of the continuance of the sale of beer and wine only under a dining room licence for consumption on licensed premises where food is available?
6. Are you in favour of the continuance of the sale of spirits, wine and beer under a dining lounge licence for consumption on licensed premises where food is available?
7. Are you in favour of the continuance of the sale of spirits, wine and beer under a lounge licence for consumption on licensed premises?
8. Are you in favour of the continuance of the sale of spirits, wine and beer under an entertainment lounge licence for consumption on licensed premises? O. Reg. 1008/75, s. 52.

INSTITUTIONS FOR THE RECLAMATION OF ALCOHOLICS

65. The following institutions are designated as institutions for the reclamation of alcoholics detained therein under section 37 of the Act:

1. The Rideau Correctional Centre
2. Ontario Correctional Institution, Brampton
3. Vanier Centre for Women, Brampton
4. Monteith Correctional Centre, Monteith
5. Kenora Jail, Kenora. O. Reg. 781/76, s. 11.

DETOXIFICATION CENTRES

66. The public hospitals listed in the Schedule are designated as detoxification centres:

Schedule

1. The Toronto Western Hospital, Toronto
2. Lake of the Woods District Hospital, Kenora
3. The Alcoholism and Drug Addiction Research Foundation (The Clinical Institute), Toronto
4. The Detoxification Centre of St. Michael's Hospital, Toronto
5. The Detoxification Centre of Hamilton Civic Hospital, Hamilton
6. The Detoxification Centre of St. Joseph's Hospital, London
7. The Detoxification Centre of The Laurentian Hospital, Sudbury
8. The Detoxification Centre of the Ottawa General Hospital, Ottawa
9. The Detoxification Centre of the Windsor Western Hospital Centre, Inc., Windsor
10. The Detoxification Centre of St. Joseph's General Hospital, Thunder Bay
11. The Detoxification Centre of the Kitchener-Waterloo Hospital, Kitchener
12. The Detoxification Centre of the Hotel Dieu Hospital, St. Catharines, Ontario
13. The Detoxification Centre of The Toronto East General and Orthopaedic Hospital Inc., Toronto, Ontario
14. The Detoxification Centre of The Oshawa General Hospital, Oshawa
15. The Detoxification Centre of The Plummer Memorial Public Hospital, Sault Ste. Marie, Ontario. O. Reg. 1008/75, s. 54; O. Reg. 533/77, s. 1.

PHOTO CARD

67.—(1) An application for a card indicating the age of the holder shall be in Form 1 and shall be accompanied by the following:

- (a) a birth certificate of the applicant or a certified copy thereof or where neither is obtainable, an affidavit as to the age of the applicant; and
- (b) two similar unmounted photographs of the applicant alone,
 - (i) showing a full front view of the applicant's head and shoulders, without head covering,

- (ii) taken within six months of the date of the application,
- (iii) not larger than 1½ inches in width and 2 inches in length,
- (iv) not smaller than 1¼ inches in width and 1¼ inches in length, and
- (v) one of which shall be certified as prescribed in subsection (2).

(2) The certification required under paragraph (1) (b) (v) shall be signed by the guarantor referred to in the Form supplied by the Board in the following manner:

"I CERTIFY THIS TO BE A PHOTOGRAPHIC LIKENESS OF

.....
(name of applicant)

.....
(date) (signature of guarantor)"

(3) The fee payable on an application under subsection (1) is \$2.00 in the form of a money order or a certified cheque payable to "Ontario Photo Card".

(4) A card indicating the age of the applicant shall be issued to the applicant in Form 2. O. Reg. 590/78, s. 19.

FEEs

68.—(1) A manufacturer who produces beer in Ontario shall pay an annual licence fee of,

- (a) \$1,500; and
- (b) \$12.87 per hectolitre on all beer shipped by the manufacturer for sale or for distribution in Ontario. O. Reg. 165/79, s. 6, *part*; O. Reg. 279/79, s. 1 (1).

(2) A manufacturer selling beer in Ontario that has been produced outside Ontario shall pay an annual licence fee of,

- (a) \$1,500; and
- (b) \$12.87 per hectolitre on all beer shipped by the manufacturer for sale or for distribution in Ontario. O. Reg. 165/79, s. 6, *part*; O. Reg. 279/79, s. 1 (2).

69. A manufacturer that produces beer in Ontario and that sells beer through the stores or the distributing warehouses of the Brewers' Warehousing Company Limited, or through a brewery retail store, shall pay an annual licence fee to the Board of \$100.00 for each store or distributing warehouse. O. Reg. 590/78, s. 20.

70. A manufacturer of Ontario wine shall pay an annual licence fee of,

- (a) \$500;
- (b) \$100 for each store operated by it;
- (c) 10 per cent of the sales price, not including any tax payable under the *Retail Sales Tax Act*, of all wines sold in any store operated by it. O. Reg. 1008/75, s. 57; O. Reg. 279/79, s. 2.

71. A manufacturer of spirits shall pay an annual licence fee of \$100 per year. O. Reg. 98/78, s. 1.

72.—(1) For the purpose of calculating the fee payable for a permit, one bottle of spirits shall be considered to be the equivalent of twelve twelve-ounce bottles of beer.

(2) The fee payable per day in respect of a special occasion permit is,

(a) for a special occasion permit – no sale..... \$10;

(b) for a special occasion permit – sale, where the liquor obtained does not exceed,

(i) ten bottles of spirits or 120 twelve-ounce bottles of beer, or any combination thereof, and

(ii) thirty bottles of wine..... 15;

(c) for a special occasion permit – sale, where the liquor obtained is,

(i) in excess of ten but less than twenty-one bottles of spirits or in excess of 120 but less than 241 twelve-ounce bottles of beer, or any combination thereof, and

(ii) in excess of thirty but less than sixty bottles of wine... 25;

(d) for a special occasion permit – sale, where the liquor obtained is,

(i) in excess of twenty but less than thirty-one bottles of spirits or in excess of 240 twelve-ounce bottles but less than 361 twelve-ounce bottles of beer or any combination thereof, and

(ii) in excess of sixty bottles but less than ninety bottles of wine..... 30;

(e) for a special occasion permit – sale, where the liquor obtained is,

(i) in excess of thirty bottles but less than fifty-one bottles of spirits or in excess of 360 twelve-ounce bottles but less than 601 twelve-ounce bottles of beer or any combination thereof, and

(ii) in excess of ninety but less than 150 bottles of wine.... \$40;

(f) for a special occasion permit – sale, where the liquor obtained is in excess of,

(i) fifty bottles of spirits or 600 twelve-ounce bottles of beer or any combination thereof, and

(ii) 150 bottles of wine..... 50

O. Reg. 123/78, s. 13.

(3) Notwithstanding that the fees otherwise payable under subsection (2) may exceed \$25 per year in respect of special occasion permits issued to it for product promotion events, the Ontario Grape Growers Action Committee shall not be liable to pay as fees in respect of special occasion permits more than \$25 per year. O. Reg. 565/80, s. 4.

73.—(1) In this section,

(a) “beer purchased” means all beer purchased by or for a premises during the period of the licence for the purposes of the licensed premises whether sold or not in the licensed premises during the period;

(b) “gross value of spirits or wine purchased” means the gross value of all spirits and wine, including the value of the containers, purchased by or for a premises during the term of the licence for the purposes of the licensed premises whether sold or not in the licensed premises during the period.

(2) An application for a licence or a renewal thereof under section 4 of the Act shall be completed on a Form supplied by the Board.

(3) A licence under section 4 of the Act shall be in Form 6.

(4) Subject to subsection (5), the fee payable in respect of an application for a licence or a renewal thereof is,

(a) \$40; and

(b) where applicable, the amount paid for the cost of an advertisement under subsection 6 (3) of the Act.

(5) The fees to be payable in respect of an application for a transfer of a licence are:

1. To an individual.....	\$100
2. To a partnership.....	125
3. To a corporation.....	175
4. To a mortgagee in possession, a trustee in bankruptcy, a receiver or liquidator..	50
5. To the trustees or administrators of the estate of a deceased licensee.....	50
6. Resulting from a change of name of licensee.....	50

O. Reg. 903/78, s. 1.

(6) Except for an entertainment lounge licence, the fees payable in respect of a licence issued under section 4 of the Act are,

(a) for each hectolitre of beer purchased by the holder of a licence, \$2.64 per hectolitre; and

(b) an amount equal to 12 per cent of the gross value of wine and spirits purchased by the holder of a licence.

(7) The fee for an entertainment lounge licence is,

(a) for each hectolitre of beer purchased by the holder of a licence, \$5.28 per hectolitre; and

(b) an amount equal to 24 per cent of the gross value of wine and spirits purchased by the holder of a licence. O. Reg. 165/79, s. 7.

(8) Notwithstanding subsection (6), the fee for a licence issued for a canteen of an active unit of dining lounge, dining room lounge or public house the Canadian Forces is \$50. O. Reg. 1008/75, s. 59

(9).

(9) It is a term and condition of a licence that, subject to subsection (10), the fees required under subsections (6) and (7) for liquor purchased shall be paid by the licence holder at the time of purchase.

(10) The holder of an entertainment lounge licence shall pay the fees set out under subsection (6) at time of purchase and the difference between that amount and the amount required under subsection (7) within ten days following receipt of a statement of fees payable in respect of his liquor purchases. O. Reg. 259/76, s. 2.

(11) Unless otherwise authorized by the Liquor Control Board of Ontario, all liquor purchased by the

holder of a licence shall be paid for in cash at the time it is ordered or delivered. O. Reg. 1008/75, s. 59 (11).

REGISTRATION OF AGENTS AND REPRESENTATIVES
OF MANUFACTURERS

74.—(1) An application for registration as an agent or representative of a manufacturer shall be on a Form supplied by the Board.

(2) A registration as an agent or representative of a manufacturer shall be in Form 7. O. Reg. 1008/75, s. 60.

(3) The annual fee payable by a person registered under section 38 of the Act is \$15. O. Reg. 98/78, s. 2.

Form 1

Liquor Licence Act

APPLICATION

Name of applicant
(last) (middle) (first)

Social Insurance No.

Ontario Drivers Licence No.

Permanent Address
(number) (street)
.....
(apt. no.) (postal code) (province)

Address to which card should be mailed if different from above.

Place of birth
(city, town, village, etc.) (province) (county)

Date of birth
(day) (month) (year)

APPLICANT'S CERTIFICATE

I, hereby apply for a photo card indicating my age.
(name of applicant)

- I enclose:
- i. Two photographs taken of me within the last six months.
 - ii. My Birth Certificate or certified copy thereof showing registration number

OR

an Affidavit as to my age (where neither Birth Certificate nor certified copy thereof is obtainable); and

iii. \$2.00 in Money Order ☐

or Certified Cheque ☐

payable to Ontario Photo Card.

- I certify that:
- i. I have attained the age of nineteen years.
 - ii. I am not a person to whom the sale of liquor is prohibited by order.
 - iii. The enclosed photos are a true likeness of me.

.....
(date)

.....
(signature)

GUARANTOR'S CERTIFICATE

I.....am a Canadian Citizen, resident in Ontario, over the age of
(full name of guarantor)

nineteen years and not related by blood or marriage to:.....
(full name of applicant)

I have known the applicant for.....year(s), and to the best of my knowledge, information and
(at least one)

belief, all the information supplied by the applicant in this application is true. I have certified one
photograph to be a photographic likeness of the applicant.

Guarantor's occupation.....

Business address.....

Telephone.....

Dated at.....,

this.....day of

....., 19...

O. Reg. 590/78, s. 21, *part*.

Form 2

Liquor Licence Act

PHOTO CARD



.....
(name)

was born on

.....
(date)

.....
Minister of Consumer and Commercial Relations

O. Reg. 590/78, s. 21, *part*.

Form 3

Liquor Licence Act

SPECIAL OCCASION PERMIT

SALE

(AT RETAIL COST, PLUS REASONABLE DISPENSING CHARGE)

Issued To:
.....
.....

For Premises Known As:

Located At:
.....

Nature of Function:

Date of Function:

Between the Hours of:

Minors to be Admitted:

Price of Permit: \$.

For the Serving and Consumption of:

Spirits.....	Bottles	Beer.....	Cases
Wine.....	Bottles	Beer.....	Kegs

To Provide for.....People

Dated at....., this..... day of....., 19....

Authorized Initials.....
.....
Chairman

LIQUOR LICENCE BOARD OF ONTARIO
O. Reg. 1008/75, Form 3.

Form 4

Liquor Licence Act

SPECIAL OCCASION PERMIT

NO SALE

Issued To:
.....
.....

For Premises Known As:

Located At:

Nature of Function:

Date of Function:

Between the Hours of:

Minors to be Admitted:

For the Serving and Consumption of:

Spirits.....Bottles
Wine.....Bottles

Beer.....Cases
Beer.....Kegs

To Provide for.....People

Dated at....., this.....day of....., 19...

Authorized Initials.....

Chairman

LIQUOR LICENCE BOARD OF ONTARIO

O. Reg. 1008/75, Form 4.

Form 5

Liquor Licence Act

SPECIAL OCCASION PERMIT FOR DIPLOMATS AND CONSULAR OFFICERS OF CAREER

Issued to:

permits the serving of liquor at a reception to be held at.....

between the hours of o'clock in the noon and o'clock in the

noon on..... day the..... day of....., 19....

Dated at Toronto, this day of....., 19....

Special Occasion Permit No.....

DC No.....

Chairman

LIQUOR LICENCE BOARD OF ONTARIO

O. Reg. 1008/75, Form 5.

Form 6*Liquor Licence Act*

.....LICENCE
(class of licence)

for the sale and service of.....
(type of liquor)

Issued to:

the owner of the establishment classified as a.....

known as.....

located at.....

in respect of

SUBJECT TO PRIOR SUSPENSION OR REVOCATION PURSUANT TO THE *LIQUOR LICENCE ACT*
AND THE REGULATIONS THEREUNDER, THIS LICENCE EXPIRES ON

Dated at Toronto, this day of, 19...

.....LICENCE
(class of licence)

Number.....

.....
Chairman

LIQUOR LICENCE BOARD OF ONTARIO

Serial No.

.....

O. Reg. 1008/75, Form 6.

Form 7*Liquor Licence Act***REGISTRATION**

THIS REGISTRATION EXPIRES.....

Under the provision of section 38 of the *Liquor Licence Act*

NAME

ADDRESS

Is registered with the Liquor Licence Board of Ontario as an agent or representative of

COMPANY

and is not an employee of the Liquor Control Board or Liquor Licence Board of Ontario.

Date



No.

O. Reg. 1008/75, Form 7.

SIGNATURE OF AGENT/REPRESENTATIVE

REGULATION 582

under the Live Stock and Live Stock Products Act

EGGS

INTERPRETATION

1. In this Regulation,

1. "black rot" means a condition in which the interior of an egg appears partially or wholly black in colour;
2. "blood clot" means a streak or clot of blood on the yolk or in the white;
3. "blood ring" means a ring of blood on the yolk;
4. "blood spot" means a small particle of blood on the yolk or in the white;
5. "bloody egg" means an egg through which blood is diffused;
6. "box" means a container made to contain fifteen dozen eggs in individual compartments designed to prevent the eggs being damaged in handling;
7. "candling" means examination of the internal condition of an egg by rotating it in front of or over a source of light that illuminates the contents;
8. "carton" means a container made to contain six, twelve, eighteen, twenty-four or thirty eggs with separate compartments for each egg, and includes a divisible carton;
9. "case" means a container made to contain thirty dozen eggs in compartments designed to prevent the eggs from being damaged in handling;
10. "cold stored eggs" means eggs held in a cold storage room at temperatures between 2 degrees Celsius and -2 degrees Celsius;
11. "consumer" means a person who buys eggs for use by himself and his household and not for resale;
12. "container" means any case, box, carton or other receptacle in which eggs are packed;
13. "delivery" means transfer from one premises to another for any purpose;
14. "dirt" means any foreign matter adhering to the shell of an egg;
15. "domestic hen" means the hen of the domestic chicken of the species *Gallus domesticus*;
16. "egg" means an egg of a domestic hen in the shell;
17. "egg-grading station" means premises for the grading, packing and marking of eggs under this Regulation;
18. "leaker" means an egg that is cracked with the inner membrane ruptured and from which the contents are leaking;
19. "liquid egg" means whole egg, egg yolk or egg white in liquid form, exclusive of the shell;
20. "operator" means a person who operates an egg-grading station and includes the owner;
21. "producer" means a person who sells, ships or transports no eggs other than eggs produced on his own farm;
22. "red rot" means a condition in which the yolk sac is ruptured permitting mixture of the yolk and white;
23. "retailer" means a person who offers or has in possession for sale, or sells eggs to a consumer;
24. "sour rot" means a condition in which the egg shows a bubbly condition at the air cell line and an extremely prominent yolk;
25. "spot rot" means a condition in which a mould spot or spots is apparent inside the shell or along cracks in the shell;
26. "stuck yolk" means a condition in which the yolk membrane adheres to the shell;
27. "white rot" means a condition in which the yolk is covered with a light-coloured crust, the white is watery, and the smell when the egg is broken is putrid;
28. "wholesaler" means any person who sells eggs,
 - i. to a retailer,
 - ii. to any person in quantities of fifteen dozen or more for use as food or in a food product, or
 - iii. to a processor. O. Reg. 489/71, s. 1.

APPLICATION

2. This Regulation does not apply to eggs used for the purpose of incubation. O. Reg. 489/71, s. 2.

3. Sections 4 to 39 apply only to eggs of the domestic hen other than eggs for processing. O. Reg. 489/71, s. 3 (1).

EGGS FOR HUMAN CONSUMPTION

4.—(1) No person shall sell or offer for sale within Ontario eggs for human consumption except eggs graded, packed and marked in accordance with this Regulation. O. Reg. 489/71, s. 4 (1).

(2) Notwithstanding subsection (1), a producer may sell, offer for sale or hold in possession for sale eggs that are not graded, packed and marked as required in this section, if the eggs are produced on his own farm and are sold or offered for sale to consumers only on the farm premises.

(3) Where eggs have been packed in a box, case or carton and marked with a grade, the eggs shall be deemed to be graded.

(4) Where eggs are stored on the premises of a retailer, whether or not in view of the public, the eggs shall be deemed to be for sale.

(5) No person other than a producer shall sell, offer for sale, ship or transport ungraded eggs from any place to any other place except to,

(a) an egg-grading station; or

(b) a first receiver of eggs for the purpose of identifying the eggs of each producer and shipping or transporting them to an egg-grading station. O. Reg. 339/73, s. 1.

(6) No person shall ship or transport eggs within Ontario unless he provides a bill of lading which shall accompany the shipment and which shall show,

(a) the name and address of the consignor;

(b) the date of shipment;

(c) the name and address of the consignee; and

(d) the quantity and, where applicable, the grade of the eggs. O. Reg. 78/74, s. 1.

(7) No person who operates an egg product station shall sell or offer for sale any egg graded Canada C, that was acquired by him, except in the form of an egg product. O. Reg. 872/75, s. 1.

GRADES, GRADE NAMES AND STANDARDS

5.—(1) There shall be five grades of shell eggs having the following grade names:

1. Canada A1.

2. Canada A.

3. Canada B.

4. Canada C.

5. Canada C Process.

(2) The standards for each grade established under subsection (1) are as prescribed in section 6. O. Reg. 489/71, s. 5.

CANADA A1

6.—(1) Canada A1 shell eggs are eggs that have the following characteristics:

1. On candling the egg shows,

(a) a small, round, well centred yolk;

(b) an indistinct yolk shadow;

(c) an absence of mottled or grass yolks, visible germ spots, meat spots, blood spots, congealed albumen or other visible defect or abnormal condition; and

(d) an air cell that is not more than $\frac{1}{8}$ of an inch in depth and is immobile.

2. The shell is,

(a) clean;

(b) sound; and

(c) normal in shape and free from rough areas and ridges.

3. The weight, when graded for the size named in column 1 of the Table is not less than the weight in column 2, but is less than the weight, if any, in column 3 as follows:

TABLE

COLUMN 1	COLUMN 2	COLUMN 3
Extra Large Size	2 $\frac{1}{4}$ ounces	
Large Size	2 ounces	
Medium Size	1 $\frac{3}{4}$ ounces	2 ounces
Small Size	1 $\frac{1}{2}$ ounces	1 $\frac{3}{4}$ ounces

CANADA A

(2) Canada A shell eggs are eggs that have the following characteristics:

1. On candling the egg shows,

- (a) a round, reasonably well centred yolk;
- (b) an indistinct yolk outline;
- (c) an absence of mottled or grass yolk, germ development, meat spots, congealed albumen, or other readily visible defect or abnormal condition; and
- (d) an air cell that is not more than $\frac{3}{16}$ of an inch in depth and is immobile.

2. The shell,

- (a) is clean;
- (b) is sound;
- (c) is practically normal in shape;
- (d) may have rough areas and ridges other than heavy ridges; and
- (e) may have not more than three stain spots each of which has an area equivalent to not more than $\frac{1}{8}$ of an inch by $\frac{1}{16}$ of an inch.

3. The weight, when graded for the size named in column 1 of the Table is not less than the weight, if any, in column 2, but is less than the weight, if any, in column 3 as follows:

TABLE

COLUMN 1	COLUMN 2	COLUMN 3
Extra Large Size	2 $\frac{1}{4}$ ounces	
Large Size	2 ounces	
Medium Size	1 $\frac{3}{4}$ ounces	2 ounces
Small Size	1 $\frac{1}{2}$ ounces	1 $\frac{3}{4}$ ounces
Pewee Size		1 $\frac{1}{2}$ ounces

CANADA B

(3) Canada B shell eggs are eggs that do not comply with the standards for a grade higher than Canada B and have the following characteristics:

1. On candling the egg,

- (a) shows a round or moderately oblong yolk that floats freely within the shell;
- (b) may show a distinct yolk outline;
- (c) shows an air cell not more than $\frac{3}{8}$ of an inch in depth;
- (d) may show very slight germ development; and
- (e) does not show grass yolk, meat spots, blood spots or congealed albumen.

2. The shell,

- (a) is sound;
- (b) may show dirt spots of an aggregate area of not more than $\frac{1}{16}$ square inch;
- (c) may show stain spots of an aggregate area of not more than $\frac{1}{2}$ square inch; and
- (d) may be slightly abnormal in shape and may have rough areas and definite ridges.

3. The weight is not less than 1 $\frac{3}{4}$ ounces.

CANADA C

(4) Canada C shell eggs are eggs that do not comply with the standards for a grade higher than Canada C other than Small Size or Pee wee Size and have the following characteristics:

1. On candling the egg,

- (a) may show a prominent yolk outline;
- (b) may show a yolk which is definitely oblong in shape but which does not adhere to the shell membrane;
- (c) may show an air cell of any size and floating air cells;
- (d) may show definite germ spots; and
- (e) may show meat or blood spots of less than $\frac{1}{8}$ inch diameter and a moderate grass yolk.

2. The shell,

- (a) may show dirt spots of an aggregate area of not more than $\frac{1}{16}$ square inch;

- (b) may show stain spots of an aggregate area of not more than $\frac{1}{8}$ of the shell surface; and
- (c) is free of cracks.

CANADA C PROCESS

(5) Canada C Process shell eggs are eggs that meet the standards of Canada C grade except that they may be cracked but the internal contents are not leaking.

REJECTS

(6) Eggs of the domestic hen that do not comply with the standards prescribed in this Regulation for Canada A1, Canada A, Canada B, Canada C or Canada C Process and which,

- (a) have a musty or foreign odour;
- (b) have been in an incubator;
- (c) are leakers;
- (d) on candling show any defect such as black rot, blood clot, blood ring, bloody egg, foreign material, red rot, spot rot, sour rot, stuck yolk or white rot; or
- (e) have been removed from a slaughtered hen,

shall be rejected and the eggs so rejected shall be known as Rejects. O. Reg. 489/71, s. 6.

7. No person shall purchase or sell, or offer for sale, or ship or transport Rejects for use as food, or in the preparation of food, for human consumption. O. Reg. 489/71, s. 7.

LICENCES

LICENCE TO OPERATE AN EGG-GRADING STATION

8.—(1) An application for a licence for the operation of an egg-grading station shall be in Form 1.

(2) A licence for the operation of an egg-grading station shall be in Form 2.

(3) The fee for a licence in Form 2 is \$1 and shall be forwarded with the application for the licence.

(4) A licence in Form 2 is not transferable and shall remain in force unless suspended or revoked by the Commissioner or the licensee ceases to operate the egg-grading station. O. Reg. 489/71, s. 8.

LICENCES FOR REJECTS

9.—(1) An application for a licence to sell Rejects shall be in Form 3.

(2) A licence to sell Rejects shall be in Form 4.

(3) A licence to sell Rejects shall,

- (a) be issued without charge;
- (b) not be transferable; and
- (c) remain in force unless suspended or cancelled by the Commissioner.

(4) The conditions under which a licence to sell Rejects shall be issued are,

(a) that the holder of the licence make a record with respect to the sale of all Rejects showing,

- (i) the name and address of each purchaser of each lot of Rejects sold,
- (ii) the quantity of eggs in each lot, and
- (iii) the date of selling,

and retain the record for not less than ninety days from the making thereof; and

(b) that the holder of the licence mark all containers in which he ships or transports Rejects on both ends with the word "REJECTS" in letters at least $\frac{3}{4}$ of an inch high. O. Reg. 489/71, s. 9.

10.—(1) An application for a licence to purchase Rejects shall be in Form 5.

(2) A licence to purchase Rejects shall be in Form 6.

(3) A licence in Form 6 shall,

- (a) be issued without charge;
- (b) not be transferable; and
- (c) remain in force unless suspended or cancelled by the Commissioner.

(4) The condition under which a licence to purchase Rejects shall be issued is that the holder of the licence furnish to the Commissioner a statement showing,

- (a) the quantities of all Rejects purchased or otherwise obtained during each calendar month;
- (b) the name and address of the person from whom the Rejects were purchased or otherwise obtained, and the date of purchasing or otherwise obtaining the Rejects; and
- (c) the purpose for which the Rejects were purchased or otherwise obtained,

not later than the 15th day of the month next following. O. Reg. 489/71, s. 10.

11. No person other than a producer shall operate premises where eggs for human consumption within Ontario are graded, packed and marked, except premises constructed, maintained and operated in compliance with the following conditions:

1. The buildings that comprise the station are of sound construction, clean, sanitary and in good repair.
2. Separate rooms of sufficient size are provided for,
 - (a) the grading, packing and marking of eggs;
 - (b) the holding of eggs after grading; and
 - (c) if applicable, the preparation of egg product for further processing.
3. The floors, walls, ceilings, partitions, posts, doors and other parts of the rooms of the station are of a material, construction and finish that permit easy and thorough cleaning of the station.
4. The station has dressing rooms and lavatories that are,
 - (a) adequately equipped;
 - (b) well lit and ventilated; and
 - (c) separate and apart from any room used for grading, packing or handling of shell eggs.
5. The station is adequately protected against the entrance of flies, ants, rodents and other vermin.
6. The size and arrangement of the rooms and equipment is adequate to accommodate the volume of product handled in the station.
7. There is no passageway from any room in the station to any room or premises used for the manufacturing, storing or holding of any commodity that may emit odours which may affect the flavour or taste of eggs.
8. The area in which eggs are to be graded is darkened sufficiently to permit efficient candling.
9. Mechanical refrigeration equipment that is,
 - (a) suitable for cooling and holding eggs and of sufficient capacity for those purposes; and

(b) available to the operator of the egg-grading station for those purposes,

is located in the station.

10. The grading room is equipped with an accurate thermometer.
11. The holding room is equipped with an accurate thermometer and an accurate hygrometer.
12. The grading room is equipped with satisfactory equipment for candling and accurately weighing shell eggs. O. Reg. 489/71, s. 11.

12. Egg-grading stations shall be operated in accordance with the following rules:

1. All equipment and all parts of the station are kept in good repair and maintained in a clean and sanitary condition.
2. All reasonable precautions are taken to keep the station free of flies, ants, rodents and other vermin.
3. No commodity or product that may emit odours which may affect the flavour or taste of eggs is stored or held on the premises of a station.
4. The grading room is equipped with satisfactory appliances for candling and weighing eggs and the station is equipped with check weights for testing weighing machines or scales.
5. No alteration, other than repair, is made to the station or to any principal piece of equipment therein unless the material and information that would be required, if the operator were applying for a licence for the station, has been submitted to and approved by the Commissioner.
6. One person employed in the station is designated by the operator as the person primarily responsible for ensuring that the sanitary requirements imposed by this Regulation are strictly maintained.
7. No number purporting to be a licence number assigned to the station under this Regulation is used except the number assigned to the station under section 8.
8. The temperature of the room in which eggs are held during the grading is maintained at a temperature not exceeding 65 degrees Fahrenheit, and the temperature of the room in which eggs are held prior to and after grading is maintained at a tem-

perature not exceeding 55 degrees Fahrenheit.

9. The outer clothing of all persons employed in the processing, packing or other handling of eggs is clean and sanitary.

10. Every person employed in the station in the handling, grading or packing of eggs washes his hands, and rinses them thoroughly in a non-irritating disinfectant solution, each day before commencing his duties, each time during the day that he returns to duty after having left it temporarily and immediately after handling any inedible egg or inedible egg product.

11. The relative humidity in the room where eggs are held after grading is maintained at not less than 70 per cent and not more than 85 per cent. O. Reg. 489/71, s. 12.

13. The grading of eggs shall be done by or under the supervision of graders who, in the opinion of an inspector, are capable of grading eggs in accordance with this Regulation. O. Reg. 489/71, s. 13.

14.—(1) Where premises have been inspected and found to comply with sections 11 and 12, the person operating the premises may apply to the Commissioner for a licence to operate the premises as an egg-grading station.

(2) No person other than the licensee shall use the number of the licence on any box, case or carton.

(3) The operator of an egg-grading station shall place his licence number on every box and case of eggs graded and packed at his egg-grading station.

(4) Where the operator of an egg-grading station packs eggs in cartons and the cartons have not marked thereon the name or the brand name of a retailer and his address, he shall place his licence number on each carton.

(5) No person other than the operator of an egg-grading station shall buy or receive ungraded eggs from a first receiver of eggs. O. Reg. 489/71, s. 14.

15. All eggs graded in accordance with this Regulation by a producer shall be graded, packed and marked only in premises that are clean and sanitary and equipped with adequate cooling facilities. O. Reg. 489/71, s. 15.

16. All eggs received by an egg-grading station shall be graded, packed and marked in accordance with this Regulation unless such eggs are to be shipped or conveyed to another egg-grading station or egg product station. O. Reg. 489/71, s. 16.

PACKING

17. All cartons, cases and boxes in which eggs are packed, or containers in which cartons are packed shall be clean and sound in construction. O. Reg. 489/71, s. 17.

18. Cartons used for the packing of eggs shall be new. O. Reg. 489/71, s. 18.

19. Containers used for the packing of shell eggs shall be,

- (a) of a size that provides a firm and compact package for the quantity of eggs packed;
- (b) sufficiently strong and durable to protect the eggs from the hazards that they may reasonably be expected to encounter during handling and distribution;
- (c) manufactured from a material that will not adversely affect the eggs packed therein; and
- (d) closed in a manner commonly recognized in respect of the type of container. O. Reg. 489/71, s. 19.

20. For the purposes of section 17 "clean" means free from dust, dirt, residue of egg or shell and of all markings, tags or portions thereof and staples applied in connection with a previous shipment. O. Reg. 489/71, s. 20.

MARKINGS

Cartons

21.—(1) Every carton containing eggs graded and packed at an egg-grading station or by a producer shall be marked in the manner prescribed herein to denote,

- (a) the grade name for the grade and the size designation assigned to the eggs in accordance with this Regulation;
- (b) the word "eggs";
- (c) the number of eggs; and
- (d) the name and address of,
 - (i) the producer who graded and packed the eggs,
 - (ii) the egg-grading station at which the eggs were graded or packed and the licence number thereof,
 - (iii) the head office of the operator of the egg-grading station at which the eggs were graded or packed, or

- (iv) if the eggs were graded and packed for a wholesaler or retailer, the wholesaler or retailer.

(2) Every carton of eggs packed by a retailer and bearing a grade name established by this Regulation shall be marked in the manner prescribed herein to denote the name of the grade of eggs, the size designation and the name and address of the retailer.

(3) Cartons of eggs for export are exempt from the requirements of subsection (2). O. Reg. 489/71, s. 21.

22.—(1) The markings on cartons of eggs shall be clear, legible and applied as follows:

1. On a carton other than the divisible type the grade name, the size designation and the word "eggs" shall be placed on the top of the carton.
2. On a divisible carton,
 - (a) the word "eggs" shall be placed on the top of the carton; and
 - (b) the grade name and size designation shall be placed on the top of the carton on one section of the carton and either on the side or the top of the carton on the other sections of the carton.
3. The other required markings may appear on the top or the side of the carton.

(2) The grade names and size designations established herein shall be used on cartons in the manner prescribed in Schedule 1.

(3) Notwithstanding subsection (2), the maple leaf shall not be used to outline the grade mark for Grades Canada C, Canada C Process and Reject eggs. O. Reg. 489/71, s. 22.

Cases, Boxes and Containers

23.—(1) Each outer container of graded eggs that are graded or packed at an egg-grading station shall be marked in the manner prescribed herein to identify the name of the grade, the size designation of the eggs and the licence number of the egg-grading station.

(2) Each outer container of graded eggs that are graded or packed by a producer shall be marked in the manner prescribed in this Regulation to identify the name of the grade, the size designation of the eggs and the name and address of the producer. O. Reg. 489/71, s. 23.

24.—(1) The name of the grade and the size designation of the eggs packed in an outer con-

tainer shall be shown only in the form prescribed in Schedule 1.

(2) The licence number of the egg-grading station or the name and address of the producer that graded and packed the eggs shall be shown below the grade name and size designation. O. Reg. 489/71, s. 24.

25. The markings required by section 24 shall be,

- (a) printed, stamped or stencilled in a central location on at least one end or one side of the container; or
- (b) printed on a tag securely affixed to one end or one side of the container. O. Reg. 489/71, s. 25.

26. The tags referred to in section 25 shall be at least $3\frac{3}{4}$ inches by 7 inches and the colour of the tags shall be, for,

- | | |
|--------------------------------|-------------|
| (a) Canada A-1, | purple; |
| (b) Canada A Extra Large Size, | red; |
| (c) Canada A Large Size | red; |
| (d) Canada A Medium Size, | green; |
| (e) Canada A Small Size, | white; |
| (f) Canada A Peewee Size, | white; |
| (g) Canada B, | blue; |
| (h) Canada C, | yellow; |
| (i) Canada C Process, | yellow; and |
| (j) Rejects, | brown. |

O. Reg. 489/71, s. 26.

27. Notwithstanding section 23, where cartons of eggs are packed in a container and the markings on the cartons are readily visible and legible, the container is not required to be marked. O. Reg. 489/71, s. 27.

28. Any information required by this Regulation to be marked on a container shall be marked thereon in a colour that stands out against the colour of the background on which the information appears. O. Reg. 489/71, s. 28.

GRADE TOLERANCES

29. For variations incidental to the grading, packing and handling of eggs, a tolerance shall be allowed at the rate of not more than,

- (a) eight eggs in each fifteen dozen eggs at the egg-grading station where the eggs were packed;
- (b) eight eggs in each fifteen dozen eggs at any place where eggs are received from egg-grading stations for the purpose of inspection thereof; and
- (c) twelve eggs in each pack of fifteen dozen eggs at any place other than places mentioned in clauses (a) and (b) but, in the count of eggs that do not comply with the standards for the grade shown on the grade mark, the following shall not be included:

- 1. Four eggs having shell soiling greater than allowed in standards for the grade, or weighing less than required in standards for the grade, where the eggs comply with the standards for the next lower grade.
- 2. Six eggs having cracked shells when in the possession of any person after delivery from the shipper thereof. O. Reg. 489/71, s. 29.

ADVERTISING

30.—(1) No person shall advertise eggs for sale unless the advertisement contains a statement in a prominent position therein setting out the grade of the eggs advertised.

(2) No person shall, in any advertisement offering eggs for sale,

- (a) make any untrue, deceptive or misleading statement or implication; or
- (b) use words or phrases that are misleading to a purchaser,

in respect of the quality or size of the eggs.

(3) No person shall, in any advertisement offering eggs for sale, state or use words or phrases implying,

- (a) that the eggs of a grade advertised are superior in condition or quality to eggs of the grade under this Regulation;
- (b) that Canada B eggs, Canada C eggs or eggs that have been in cold storage are fresh; or
- (c) that eggs other than those graded as Canada A1 are "New Laid". O. Reg. 489/71, s. 30.

UNGRADED EGGS

31. No person shall ship or transport ungraded eggs in containers unless each container has marked

on at least one end thereof the words "UN-GRADED EGGS—FOR SHIPMENT ONLY" in block letters not less than $\frac{3}{4}$ of an inch high. O. Reg. 489/71, s. 31.

32.—(1) Eggs that have been in storage may be shipped or transported to an egg-grading station without grading or inspection.

(2) No person shall ship or transport eggs that have been in storage unless each container bears the words "ungraded out of storage" in letters not less than $\frac{1}{4}$ of an inch high, stamped or stenciled,

- (a) over the grade mark, if any; or
- (b) if no grade mark shows, on the ends of the container. O. Reg. 489/71, s. 32.

RECORDS

33.—(1) The operator shall maintain and is responsible for complete records showing,

- (a) the number of eggs in each producer's lot delivered to his egg-grading station; and
- (b) the grades of all eggs in each producer's lot.

(2) The operator shall retain one copy of each bench report at the egg-grading station for a period of ninety days from the making thereof. O. Reg. 489/71, s. 33.

EGGS OF PRODUCERS IDENTIFIED

34. Every first receiver of eggs who ships or delivers ungraded eggs to an egg-grading station shall clearly identify the eggs from each producer in the shipment by,

- (a) packing them in separate containers;
- (b) placing each producer's eggs in a separate end of a case or in separate fillers; or
- (c) packing and identifying them in some other satisfactory manner. O. Reg. 489/71, s. 34.

GRADING STATEMENTS

35.—(1) The operator of an egg-grading station shall furnish to the person who shipped the ungraded eggs to the egg-grading station not later than seven days after the date of receipt of the eggs,

- (a) where the shipper is the producer, one copy of the grading statement; and
- (b) where the shipper is a first receiver of eggs, two copies of the grading statement.

(2) Where the ungraded eggs in a shipment under clause (1) (b) were produced by more than one producer

and the eggs of each producer were identified, the operator shall furnish to the first receiver of eggs two copies of the grading statement in respect of each producer.

(3) Every first receiver of eggs shall retain for a period of ninety days one copy of each grading statement received from an egg-grading station.

(4) Where a shipper was a first receiver of eggs, he shall send one copy of the grading statement in respect of each producer's lot to the producer.

(5) Every operator shall retain at his egg-grading station one copy of each grading statement for a period of ninety days.

(6) The grading statement shall be in Form 7. O. Reg. 489/71, s. 35.

36. The first receiver of eggs shall, not later than fourteen days after the date of receipt of the eggs, furnish to the producer,

- (a) the grading statement for the eggs; and
- (b) a statement showing,
 - (i) the name and address of the first receiver of eggs,
 - (ii) the date of the statement,
 - (iii) the name and address of the producer,
 - (iv) the number of dozens of eggs received,
 - (v) the date of receipt of the eggs,
 - (vi) the amount, and the rate for each dozen, paid in any advance payment,
 - (vii) the manner of making advance payment, whether in cash, in merchandise or on account,
 - (viii) the number of eggs graded into each grade, and
 - (ix) the price to be paid for each grade. O. Reg. 489/71, s. 36.

PAYMENT FOR EGGS

37.—(1) Ungraded eggs bought or received on consignment by the operator of an egg-grading station shall be deemed to have been bought on the basis of the grades shown on the grading statement.

(2) No operator shall pay for ungraded eggs bought or received on consignment by him on any

basis other than on the basis of the grades shown on the grading statement.

(3) Where there is no price differential between the prices paid for eggs of more than one grade, the eggs shall be deemed to have been bought on a basis other than a grade basis. O. Reg. 489/71, s. 37.

38. No person other than the operator of an egg-grading station shall buy or receive ungraded eggs from a first receiver of eggs. O. Reg. 489/71, s. 38.

39.—(1) Where the first receiver of eggs or the operator of an egg-grading station makes a payment on account to the producer at the time the first receiver of eggs or the operator receives the eggs, the amount of the payment shall not exceed 80 per cent of the total value of the eggs computed at the price for Canada B eggs.

(2) The first receiver of eggs or the operator, as the case may be, shall,

- (a) where a payment on account has not been made, make payment for the eggs; and
- (b) where a payment on account has been made, make final settlement for the eggs,

not later than fourteen days after the date of receipt of the eggs.

(3) The payment or the final settlement, as the case may be, shall accompany the grading statement and the statement to the producer under section 36. O. Reg. 489/71, s. 39.

DETENTION

40. Where an inspector detains any eggs that do not comply with the Act and this Regulation, he shall attach to one box, case or carton in each lot of eggs under detention a numbered detention tag in Form 8 and no person shall sell, offer for sale, move or allow or cause to be moved the eggs or boxes, cases or cartons of eggs in the lot or remove the detention tag without the written authority of an inspector or of the Commissioner. O. Reg. 555/77, s. 2, *part*.

41. Immediately after placing any eggs under detention, the inspector shall deliver or mail,

- (a) to the owner or his agent, a notice of detention in Form 9; and
- (b) when the eggs are in premises other than those of the owner, to the person in possession of the eggs a copy of the notice of detention in Form 9. O. Reg. 555/77, s. 2, *part*.

42. When an inspector is satisfied that any eggs under detention comply with the Act and this Regulation he may release the eggs from detention by,

- (a) removing the detention tag; and
- (b) issuing a notice of release from detention in Form 10 and delivering or mailing it to the owner or his agent with a copy thereof to the person in possession of the premises if other than the owner. O. Reg. 555/77, s. 2, *part*.

Schedule 1

MARKINGS ON CARTONS AND CONTAINERS OF EGGS

1. Where a grade name prescribed by this Regulation is applied to a carton of eggs the grade name shall be shown enclosed within a design of a maple leaf as illustrated in the following example:



2. The size declaration shall appear in close proximity to the maple leaf.

3. The design, proportions and position of the maple leaf, the letter indicating the grade and the word "Canada" in relation to each other, shall be as shown in section 1 of this Schedule but, subject to sections 5 and 6, the size of the maple leaf and grade name may be varied from the size as shown.

4. Where the maple leaf is in colour the word "Canada" and the "grade letter" shall be of such contrasting colour so as to stand out against the colour of the maple leaf.

5. Except as otherwise approved by the Commissioner, the height of the letters in the word "Canada" shall be not less than $\frac{1}{8}$ of an inch and the height of the letters denoting the grade and the size designation shall be not less than $\frac{1}{4}$ of an inch in height.

6. All other required markings except the word "eggs" shall be in letters at least $\frac{1}{8}$ of an inch in height, except that they shall be not larger than the letters denoting the grade name.

7. The grade name and size designation shall appear on a container other than a carton in the same manner as prescribed for a carton, except that,

- (a) in the case of the word "Canada", the height of the letters shall be not less than $\frac{1}{4}$ of an inch; and
- (b) in the case of the grade name and the size designation, the height of the letters shall be not less than $\frac{1}{2}$ inch.

8. All other required markings shall be in letters at least $\frac{1}{4}$ of an inch in height, except that they shall be not larger than the letters denoting the grade name. O. Reg. 489/71, Sched. 1.

Form 1

Live Stock and Live Stock Products Act

APPLICATION FOR A LICENCE FOR OPERATION OF AN EGG-GRADING STATION

To The Live Stock Commissioner,
Legislative Buildings,
Toronto.

.....
(name of applicant)

.....
(address)

applies for a licence for the operation of an egg-grading station under the *Live Stock and Live Stock Products Act* and the regulations, and in support of this application the following facts are stated:

1. Business address of applicant.....

2. Name of egg-grading station.....

3. Location of egg-grading station.....

.....
(lot and concession, municipality, county)

4. Owner of egg-grading station.....
(give name of

.....
person, partnership or corporation, and if partnership, give names of all partners)

5. The premises of the egg-grading station comply with the regulations.

.....
(signature of applicant)

By.....
(title of person signing if a partnership or corporation)

O. Reg. 489/71, Form 1.

Form 2

Live Stock and Live Stock Products Act

**LICENCE FOR OPERATION OF AN
EGG-GRADING STATION**

Under the *Live Stock and Live Stock Products Act*
and the regulations, and subject to the limitations

thereof, this licence is issued to
(name)

.....
(address)

for the operation of an egg-grading station at

.....
(location)

This licence is not transferable.

This licence shall remain in force unless suspended
or cancelled by the Commissioner, or the holder hereof
ceases to operate the egg-grading station.

Issued at Toronto, the day of
....., 19....

.....
Live Stock Commissioner

O. Reg. 489 /71, Form 2.

Form 3

Live Stock and Live Stock Products Act

EGGS

**APPLICATION FOR LICENCE
TO SELL REJECTS**

To The Live Stock Commissioner,
Legislative Buildings,
Toronto.

.....
(name of applicant)

.....
(address)

applies for a licence to sell Rejects under the *Live
Stock and Live Stock Products Act* and the regulations,
and in support of this application the following facts
are stated:

1. Location of premises of applicant.....
2. Owner of premises.....
(give name of person,

.....
partnership or corporation, and if partnership,

.....
give names of all partners.)

3. Name under which business is carried on.....

.....

4. The applicant has complied with the regulations.

Date.....

.....
(signature of applicant)

O. Reg. 489 /71, Form 3.

Form 4

Live Stock and Live Stock Products Act

EGGS

LICENCE TO SELL REJECTS

Under the *Live Stock and Live Stock Products Act*
and the regulations, and subject to the limitations

thereof, this licence is issued to
(name)

.....
(address)

to sell Rejects.

This licence is not transferable.

This licence shall remain in force unless suspended
or cancelled by the Commissioner.

Issued at Toronto, the day of,
19....

.....
Live Stock Commissioner

O. Reg. 489 /71, Form 4.

Form 5

Live Stock and Live Stock Products Act

EGGS

**APPLICATION FOR LICENCE
TO PURCHASE REJECTS**

To The Live Stock Commissioner,
Legislative Buildings,
Toronto.

.....
(name of applicant)
.....
(address)

applies for a licence to purchase Rejects under the *Live Stock and Live Stock Products Act* and the regulations, and in support of this application the following facts are stated:

1. Location of premises of applicant.....
2. Owner of premises.....
(give name of person,
.....
partnership or corporation, and if partnership,
.....
give names of all partners.)
3. Name under which business is carried on.....
.....
4. The applicant has complied with the regulations.
Date.....
.....
(signature of applicant)

O. Reg. 489/71, Form 5.

Form 6

Live Stock and Live Stock Products Act

EGGS

LICENCE TO PURCHASE REJECTS

Under the *Live Stock and Live Stock Products Act* and the regulations, and subject to the limitations thereof, this licence is issued to,

.....
(name)
.....
(address)

to purchase Rejects.

This licence is not transferable.

This licence shall remain in force unless suspended or cancelled by the Commissioner.

Issued at Toronto, the day of,
19....

.....
Live Stock Commissioner

O. Reg. 489/71, Form 6.

Form 7

Live Stock and Live Stock Products Act

EGGS

GRADING STATEMENT OF EGGS GRADED
AT EGG-GRADING STATION

1. Name and address of operator of egg-grading
station.....
2. Licence number.....
3. Date of grading.....
4. Name and address of seller of eggs.....
.....
5. Date of delivery of eggs to egg-grading station
.....
6. Quantity of eggs delivered.....
7. i. amount paid on account (if any) to first
receiver of eggs \$.....
ii. rate of payment per dozen of eggs
8. Number of eggs graded into each grade and
price to be paid per dozen for each grade:

	No. Dozen	Price Per Dozen
Canada A Extra Large Size		
Canada A Large Size		
Canada A Medium Size		
Canada A Small Size		
Canada A Peewee Size		
Canada B		
Canada C		
Canada C Process		
Rejects		
Total		

Date of payment.....

O. Reg. 489/71, Form 7.

Form 8

Live Stock and Live Stock Products Act

EGGS

EGGS UNDER DETENTION

TAG NO.

Under the *Live Stock and Live Stock Products Act* and the regulations, I have placed under detention,*

the eggs in the lot of eggs included with the box, case or carton described as follows:

.....

Date.....
 (signature of inspector)

*Section 40 of Regulation 582 of Revised Regulations of Ontario, 1980 reads as follows:

40. Where an inspector detains any eggs that do not comply with the Act and this Regulation, he shall attach to one box, case or carton in each lot of eggs under detention a numbered detention tag in Form 8 and no person shall sell, offer for sale, move or allow or cause to be moved the eggs or boxes, cases or cartons of eggs in the lot or remove the detention tag without the written authority of an inspector or of the Commissioner. O. Reg. 555/77, s. 5, *part*.

Form 9

Live Stock and Live Stock Products Act

EGGS

NOTICE OF DETENTION

Place..... Date.....

To
 (name) (address)

You are hereby notified that the lot of eggs described below has been placed under detention:

.....

.....

 and that Tag No. has been attached to one box, case or carton of the lot of eggs.

You are hereby authorized to move the eggs for correction to.....

Reason for detention.....

This Notice of Detention was
 (state whether

delivered or mailed)

and
 (state whether copy was delivered or mailed to

the person in possession)

.....
 (signature of inspector)

O. Reg. 555/77, s. 5, *part*.

Form 10

Live Stock and Live Stock Products Act

EGGS

NOTICE OF RELEASE FROM DETENTION

Place..... Date.....

To..... Address.....

You are hereby notified that the lot of eggs placed under detention at.....
 (place of detention)

on to one box, carton,
 (date of detention)

or case of which Tag No. was attached, has been released from detention.

This Notice of Release from Detention was

.....
 (state whether delivered or mailed)

.....
 (signature of inspector)

O. Reg. 555/77, s. 5, *part*.

REGULATION 583

under the Live Stock and Live Stock Products Act

PROCESSED EGG

INTERPRETATION

1. In this Regulation,

1. "added ingredients" means salt or sugar or both;
2. "blood spot" means a small particle of blood on the yolk or in the albumen;
3. "candling" means examination of the internal condition of an egg by rotating it in front of or over a source of light that illuminates the contents;
4. "code mark" means a combination of letters, symbols and numbers that identifies an inspector;
5. "common name" means,
 - i. frozen albumen, frozen whole egg, frozen yolk, frozen whole egg mix or frozen yolk mix, or
 - ii. liquid albumen, liquid whole egg, liquid yolk, liquid whole egg mix or liquid yolk mix;
6. "consumer" means a person who buys processed egg for use by himself and his household and not for resale;
7. "container" means any receptacle made or used to contain processed egg;
8. "egg" means an egg,
 - i. of the domestic chicken of the species *Gallus Domesticus*, or
 - ii. of the domestic turkey of the species *Meleagris Gallopavo*,
 but does not include a partly formed egg that has been removed from a slaughtered domestic hen or domestic turkey;
9. "egg solid" means egg yolk or albumen, or a combination thereof, that contains no shell or water;
10. "egg station" means premises for the grading, packing and marking of eggs;
11. "food colour" means beta-carotene;
12. "frozen egg" means whole egg, egg yolk or albumen in frozen form;
13. "inedible egg" means an egg that is not suitable for human consumption and includes an egg that,
 - i. is contaminated with an odour foreign to that of a normal egg,
 - ii. is musty or mouldy,
 - iii. has been in an incubator, or
 - iv. has any internal defect other than a meat spot or blood spot less than $\frac{1}{8}$ inch diameter;
14. "inedible processed egg" means processed egg that contains any inedible egg or that is otherwise not suitable for human consumption;
15. "leaker" means an egg from which the contents are leaking;
16. "liquid egg" means whole egg, whole egg mix, egg yolk, egg yolk mix or albumen in liquid or semi-liquid form;
17. "meat spot" means a small particle of oviduct on the yolk or in the albumen of the egg;
18. "mix" means whole egg mix and yolk mix;
19. "process" includes breaking eggs, filtering, blending, pasteurizing, stabilizing, mixing, cooling and freezing processed egg;
20. "processed egg" includes frozen egg, frozen egg mix, liquid egg and liquid egg mix, but does not include inedible processed egg;
21. "processed egg station" means premises where processed egg is produced, graded, packed or marked;
22. "registered processed egg station" means a processed egg station that has been licensed under this Regulation;
23. "retailer" means a person who offers or has in possession for sale, or sells processed egg to a consumer;

24. "sanitizing agent" means a substance that destroys bacteria on eggs and that has a strength of between 100 and 200 parts per million of available chlorine or its equivalent;
25. "whole egg mix" means frozen whole egg or liquid whole egg and one or more added ingredients not exceeding 12 per cent by weight;
26. "wholesaler" means any person who sells processed egg to a retailer or to any person for use as food or in the preparation of food for human consumption;
27. "yolk mix" means frozen yolk or liquid yolk and one or more added ingredients not exceeding 12 per cent by weight.
O. Reg. 556/77, s. 1.

PROCESSED EGG FOR HUMAN CONSUMPTION

2.—(1) No person shall sell, offer for sale, purchase, receive, store, ship or transport within Ontario processed egg for human consumption, except processed egg graded, packed and marked in accordance with this Regulation.

(2) Where processed egg is stored on the premises of a retailer or wholesaler, whether or not in view of the public, it shall be deemed to be for sale.
O. Reg. 556/77, s. 2.

LICENCE TO OPERATE A PROCESSED EGG STATION

3.—(1) An application for a licence to operate a processed egg station shall be in Form 1.

(2) A licence to operate a processed egg station shall be in Form 2.

(3) The conditions under which a licence in Form 2 may be issued are that the premises be constructed and inspected and found to comply with the requirements of this Regulation.

(4) The fee for a licence in Form 2 is \$1 and shall be forwarded with the application for the licence.

(5) A licence in Form 2 is not transferable and shall remain in force unless,

- (a) it is suspended or cancelled by the Commissioner; or
- (b) there is no processed egg graded, packed or marked in the station for a period of twelve consecutive months. O. Reg. 556/77, s. 3.

LICENCES FOR INEDIBLE PROCESSED EGG

4.—(1) An application for a licence to sell inedible processed egg shall be in Form 3.

(2) A licence to sell inedible processed egg shall be in Form 4.

(3) A licence in Form 4 shall,

- (a) be issued without charge;
- (b) not be transferable; and
- (c) remain in force unless suspended or cancelled by the Commissioner.

(4) The conditions under which a licence to sell inedible processed egg shall be issued are,

- (a) that the holder of the licence make a record with respect to the sale of all inedible processed egg showing,
 - (i) the name and address of each purchaser of each lot of inedible processed egg sold,
 - (ii) the quantity by weight of inedible processed egg in each lot, and
 - (iii) the date of selling,

and retain the record for not less than ninety days from the making thereof; and

- (b) that the holder of the licence mark all containers in which he ships or transports inedible processed egg by printing, stamping or stencilling the top and one side with the words "Not For Human Consumption" in letters at least one and one-half inches high and the licence number of the registered processed egg station in letters at least $\frac{3}{8}$ of an inch high. O. Reg. 556/77, s. 4.

5.—(1) An application for a licence to purchase inedible processed egg shall be in Form 5.

(2) A licence to purchase inedible processed egg shall be in Form 6.

(3) A licence in Form 6 shall,

- (a) be issued without charge;
- (b) not be transferable; and
- (c) remain in force unless suspended or cancelled by the Commissioner.

(4) The condition under which a licence in Form 6 is issued is that the holder of the licence furnish to the Commissioner a statement showing,

- (a) the quantities of all inedible processed egg purchased or otherwise obtained during each calendar month;
- (b) the name and address of the person from whom the inedible processed egg was purchased or otherwise obtained, and the date of purchasing or otherwise obtaining the inedible processed egg; and
- (c) the purpose for which the inedible processed egg was purchased or otherwise obtained,

not later than the 15th day of the month next following. O. Reg. 556/77, s. 5.

REGISTERED PROCESSED EGG STATIONS

6. Premises where eggs are processed for human consumption shall be constructed, maintained and operated in compliance with the following conditions:

1. Every room comprising the station is sound in construction, clean and in good repair.
2. The station has separate rooms, where applicable, for,
 - i. receiving, holding and storing eggs,
 - ii. washing, candling and transferring eggs to the processing equipment,
 - iii. processing eggs,
 - iv. packaging liquid processed egg,
 - v. holding liquid egg,
 - vi. freezing processed egg, and
 - vii. inspection of processed egg by an inspector if such a room is required by the District Director, Poultry Division, Agriculture Canada.
3. The floors, walls, and ceilings of the station are impervious to moisture and are of a hard finish suitable for cleaning.
4. The station has dressing rooms and lavatories that are,
 - i. adequate in size and equipment for the number of persons using them,
 - ii. well lighted and vented to the outside, and
 - iii. separate from and not leading directly into any room used for the processing of eggs.
5. The station has drainage, plumbing and sewage that are,
 - i. adequate to handle all wastes,
 - ii. equipped with suitable traps and vents, and
 - iii. designed for the rapid runoff of water within the station.
6. The station is adequately lighted.
7. The station is protected against the entrance of flies, rodents and vermin.
8. The doors to the rooms used for processing eggs are equipped with self-closing devices.
9. The size and arrangement of rooms and equipment in the station are adequate for the volume of processed egg handled.
10. All rooms in the station except cold storage rooms are ventilated by a continuous flow of clean air.
11. The processing and packaging rooms in the station are ventilated by a positive flow of outside filtered air.
12. The station has an ample supply of potable hot and cold water under adequate pressure in all washrooms, lavatories and rooms in which eggs or processed egg are handled.
13. The processing room in the station is equipped with,
 - i. readily accessible equipment for washing hands including odourless soap, towels or other means for drying hands, and
 - ii. covered receptacles in which to place rejected eggs and rejected liquid egg.
14. The station has mechanical refrigeration equipment that is suitable for cooling and storing liquid egg, where liquid egg is processed or stored.
15. Utensils and equipment used in processing and packing processed egg are,
 - i. made of material that is resistant to rust and corrosion,
 - ii. designed and constructed to permit them to be easily cleaned and sterilized,
 - iii. sterilized before use each day,

- iv. washed with a sterilizing solution after every four hours of use and at the end of each day's operation, and
 - v. drained and dried at the end of each day's operation.
16. Egg washing and candling equipment in the station is efficient and may be easily cleaned.
17. No eggs are washed in a room used for processing eggs.
18. The eggs used to make processed egg have been washed in clean water,
- i. that is maintained at not less than 32.2 degrees Celsius and at least 11.1 degrees warmer than the egg,
 - ii. in which a cleaning compound is used,
 - iii. in which the eggs are washed continuously,
 - iv. that is changed at least every four hours and at the end of each shift, and
 - v. that is maintained at a level which permits a continuous overflow.
19. The eggs after being washed and immediately before being further processed are spray-rinsed with a sanitizing agent.
20. Egg shells are removed from the processing room either by continuous process or at at least four times daily.
21. Every utensil or other equipment that comes into contact with an inedible egg or inedible processed egg is washed with a sterilizing solution before being used again.
22. Every person employed in the station wears clean clothing, including a hair covering that completely covers the hair.
23. Every person employed in the station is free from communicable disease and for that purpose shall, if so required by an inspector, be medically examined.
24. Smoking and the chewing of tobacco or gum are not permitted in any room in the station in which eggs are exposed in liquid or semi-liquid form.
25. Every person in the station who handles processed egg washes his hands and rinses them thoroughly in a non-irritating disinfectant solution each time on entering the processing room and immediately after handling any inedible egg or inedible processed egg.
26. Inedible eggs and inedible processed egg are placed in a container bearing the words "not for human consumption".
27. Nothing that is likely to emit an odour that could affect the flavour of processed egg is held in the station.
28. Containers are,
- i. if of washable material, thoroughly washed, rinsed, drained and sterilized before being packed in the station,
 - ii. not nested one within another, and
 - iii. not placed on the floor of the station at any time either before or after being packed.
29. Pumps, homogenizers and pasteurizers of the processing equipment are cleaned in place or dismantled, cleaned and sanitized after use, and at other times when necessary.
30. The processed egg meets the requirements for pasteurization set out in the Schedule.
31. Egg shell receptacles and equipment for disposing of egg shells are maintained clean and sanitary.
32. Every container received at the station is free from dirt and residue of eggs.
33. Except with the written approval of the District Director, Poultry Division, Agriculture Canada, processed egg in liquid form is not removed from the station unless cooled to not more than 4.4 degrees Celsius.
34. Frozen egg is frozen solid or cooled to at least -12 degrees Celsius,
- i. within sixty hours from the time of breaking where it has not been pasteurized, or
 - ii. within sixty hours from the time of pasteurization where it has been pasteurized.
35. The processed egg is processed and packed in a sanitary manner.
36. No processed egg is received at the station unless it has been graded, packed, and

marked in accordance with this Regulation. O. Reg. 556/77, s. 6.

GRADES, GRADE NAMES AND STANDARDS

7.—(1) There shall be three grades of processed egg having the following names:

1. Grade A.
2. Grade B.
3. Grade C.

(2) The standards for each grade established under subsection (1) are as prescribed in section 12. O. Reg. 556/77, s. 7.

8. Processed egg may be graded only if it is prepared from eggs,

- (a) that are free from excessive stain;
- (b) none of which is an inedible egg or a leaker; and
- (c) that are free from dirt and other foreign matter. O. Reg. 556/77, s. 8.

9. Liquid egg or mix and frozen egg or mix may be graded only if it,

- (a) is suitable for human consumption;
- (b) conforms to the standards prescribed for processed egg by the regulations made under the *Food and Drug Act* (Canada);
- (c) is free from foreign matter and as free from egg shell as the exercise of reasonable care and diligence in its preparation can make it;
- (d) is of smooth texture and well blended;
- (e) is negative for viable *Salmonella* bacteria; and
- (f) meets the requirements for a grade set out in section 12. O. Reg. 556/77, s. 9.

10.—(1) For the purpose of section 8, excessive stain means any substance on the shell of an egg other than dirt or a design or emblem that exceeds one-third of the surface of the shell.

(2) For the purpose of section 9, processed egg shall be deemed to be negative for viable *Salmonella* bacteria if no viable *Salmonella* bacteria are found when the processed egg is tested therefor in a manner approved by the Commissioner. O. Reg. 556/77, s. 10.

11.—(1) Processed egg shall only be graded in a registered processed egg station.

(2) Processed egg may be graded only if it has been prepared in a registered processed egg station. O. Reg. 556/77, s. 11.

GRADE A

12.—(1) Frozen egg or mix, and liquid egg or mix, may be graded as A if, in addition to meeting the requirements set out in sections 8 and 9,

- (a) it has no odour or flavour that is foreign to that of a normal egg from which the shell has been removed;
- (b) it has a total viable bacteria count not in excess of 50,000 per gram;
- (c) it has a coliform count not in excess of ten per gram;
- (d) it contains, except in the case of a mix, not less than the following amount of egg solids by weight,
 - (i) 24.75 per cent if whole egg, and
 - (ii) 43 per cent if egg yolk; and
- (e) it produces, if albumen, a volume of foam of 800 cubic centimeters per 127 grams when subjected to a whipping test approved by the Commissioner.

GRADE B

(2) Frozen egg or mix, and liquid egg or mix, may be graded as B if, in addition to meeting the requirements set out in sections 8 and 9,

- (a) it has no odour or flavour that is foreign to that of a normal egg from which the shell has been removed;
- (b) it has a total viable bacteria count not in excess of 100,000 per gram;
- (c) it has a coliform count not in excess of fifty per gram; and
- (d) it contains, except in the case of a mix, not less than the following amount of egg solids by weight:
 - (i) 23 per cent if whole egg, and
 - (ii) 40 per cent if egg yolk.

GRADE C

(3) Frozen egg or liquid egg may be graded as C if, in addition to meeting the requirements set out in sections 8 and 9,

- (a) it has a total viable bacteria count not in excess of 500,000 per gram;

- (b) it has a coliform count not in excess of 100 per gram;
- (c) it contains, if whole egg, not less than 20 per cent egg solids by weight; and
- (d) it contains, if egg yolk, not less than 33 per cent egg solids by weight. O. Reg. 556/77, s. 12.

PACKING

13.—(1) Every container of processed egg graded under this Regulation shall be clean, free from discolouration and objectionable odours, strong enough to protect the processed egg and, if made of corrugated fibreboard, shall be new.

(2) Liners used in containers shall be new.

(3) Processed egg may be packed in a container only with processed egg of the same form, kind and grade. O. Reg. 556/77, s. 13.

MARKINGS

14.—(1) Except as otherwise provided, every container of processed egg shall be marked with,

- (a) the common name of the processed egg;
- (b) the grade name of the processed egg;
- (c) the net quantity of the processed egg;
- (d) the common names of ingredients and components of the processed egg;
- (e) the words "lot number" followed by a series of numbers which, according to common usage, indicate the day, month and year in which the processed egg was prepared, and a number or letter identifying the batch if more than one batch was prepared on the same day;
- (f) the identity and principal place of business of the person by or for whom the processed egg was manufactured or produced for resale;
- (g) the words "reg. no." followed by the licence number of the registered processed egg station in which the processed egg was prepared;
- (h) if food colour has been added, the words "contains colour" or "colour added"; and
- (i) where the processed egg was prepared from eggs of the domestic turkey and eggs of the domestic chicken, the words "product of turkey eggs" or "product of turkey eggs and chicken eggs", as the case may be.

(2) The information required by subsection (1) shall be printed, stamped, or stencilled on the side of the container.

(3) The printing, stamping or stencilling of markings required by subsection (1) shall be applied in such a manner that the processed egg will bear the markings at the time it is sold.

(4) The numerical quantity in the declaration of net quantity and the words "Grade A", "Grade B" or "Grade C" in a grade name or grade designation shall be shown in bold face type in letters of not less than $\frac{3}{8}$ of an inch in height.

(5) All information other than the information referred to in subsection (4) shall be shown in letters of not less than $\frac{1}{4}$ of an inch in height.

(6) No container of processed egg graded pursuant to this Regulation shall be marked with any word or words declaring or implying that the processed egg packed therein is superior in quality to the grade marked thereon. O. Reg. 556/77, s. 14.

INSPECTION REQUIREMENTS

15.—(1) An inspector may at the time processed egg is produced or at any time thereafter select samples from each lot of processed egg produced by a registered processed egg station.

(2) The number of containers in a lot to be selected for sampling shall be determined in accordance with the following Table:

TABLE

COLUMN I	COLUMN II
No. of Containers in Lot	Minimum No. of Containers to be selected for sampling
1 - 25	4
26 - 50	4
51 - 100	6
101 - 150	8
151 - 200	10
201 - 300	12
301 - 400	14
401 - 500	16
501 - 800	18
801 - 1000	20
1001 - and up	1 per cent of Total.

O. Reg. 556/77, s. 15.

REPORTS

16.—(1) Every person operating a registered processed egg station shall make a report each week to the District Director, Poultry Division, Agriculture Canada on a form approved by the Minister of Agriculture for Canada stating,

- (a) the quantity of processed egg graded during that week classified in the manner required by the form;
- (b) the quantity of eggs used in preparing processed egg during that week, classified as to grades; and
- (c) such other information as may be indicated on the form.

(2) A person operating a registered processed egg station shall furnish to the District Director, Poultry Division, Agriculture Canada at his request and in respect of any period designated by him, information relating to the quantity of eggs, and the number of containers of processed egg received, sold, shipped and on hand at the processed egg station during that period. O. Reg. 556/77, s. 16.

ADVERTISING

17.—(1) No person shall advertise processed egg for sale unless the advertisement contains a statement in a prominent position therein setting out the grade name of the processed egg advertised.

(2) In any advertisement pertaining to processed egg wherein the price appears, the grade name shall be stated in letters of at least equal size and prominence to the price.

(3) No person shall in any advertisement offering processed egg for sale,

- (a) make any untrue, deceptive or misleading statement or implication; or
- (b) use words or phrases implying that the processed egg of the grade advertised is superior in condition or quality to that required for processed egg of that grade. O. Reg. 556/77, s. 17.

18.—(1) The operator of a registered processed egg station shall maintain and be responsible for complete records of all purchases of eggs used for the production of processed egg and purchases of processed egg from other registered stations.

(2) The records pertaining to purchases of eggs and processed egg shall show,

- (a) the name and address of the person from whom the eggs were received;

(b) the name and address of the registered processed egg station from whom the processed egg was received;

(c) the date of receipt;

(d) the quantity of eggs or quantity and weight of processed egg;

(e) the unit price to be paid for the eggs or for the weight of processed egg; and

(f) the total value of the eggs or processed egg.

(3) The operator of a registered processed egg station shall retain at his place of business the records required by subsections (1) and (2) for a period of ninety days. O. Reg. 556/77, s. 18.

DETENTION

19. An inspector may place under detention any processed egg that does not comply with the Act and this Regulation by affixing to at least one container of the lot a detention tag in Form 9. O. Reg. 556/77, s. 19.

20. The inspector shall, after affixing a detention tag under section 19 immediately deliver or mail to the owner of the processed egg seized, or his agent, and to the occupier of the premises where it was detained, a notice of detention in Form 7. O. Reg. 556/77, s. 20.

21. Unless authorized by an inspector, no person shall alter or remove a detention tag affixed to a container of processed egg under section 19. O. Reg. 556/77, s. 21.

22. Except with the written permission of an inspector, no person shall remove, sell, or otherwise dispose of any processed egg contained in a lot in respect of which a detention tag has been placed on a container under section 19. O. Reg. 556/77, s. 22.

23. Where an inspector is satisfied that processed egg, held under detention complies with this Regulation, he shall complete a notice of release from detention in Form 8, and shall deliver or mail one copy to the owner of the processed egg, and one copy to the person on whose premises the processed egg was detained. O. Reg. 556/77, s. 23.

Schedule**PASTEURIZATION REQUIREMENTS**

Processed egg shown in Column 1 must be heated at not less than the temperature shown in Column 2 for not less than the corresponding time shown in Column 3.

COLUMN 1	COLUMN 2	COLUMN 3
Liquid Egg	Minimum Temperature	Minimum Time to be heated
	Degrees Celsius	Minutes
Albumen (without use of chemicals)	55 or 53	3.5 6.2
Whole egg	60	3.5
Whole egg with 24.75 per cent to 38 per cent egg solids	61 or 60	3.5 6.2
Mix with 2 per cent or more added salt	63 or 62	3.5 6.2
Mix with 2 per cent to 12 per cent added sugar	61 or 60	3.5 6.2
Mix with not more than 2 per cent added ingredients	61 or 60	3.5 6.2
Mix with 24.5 per cent to 38 per cent egg solids and 2 per cent to 12 per cent added ingredients	62 or 61	3.5 6.2
Yolk	61 or 60	3.5 6.2
Yolk with 2 per cent or more added sugar	63 or 62	3.5 6.2
Yolk with 2 per cent to 12 per cent added salt	63 or 62	3.5 6.2

O. Reg. 556/77, Sched.

Form 1

Live Stock and Live Stock Products Act

PROCESSED EGG**APPLICATION FOR A LICENCE FOR OPERATION OF A PROCESSED EGG STATION**

To The Live Stock Commissioner,
Legislative Buildings,
Toronto.

.....
(name of applicant)

.....
(address)

applies for a licence for the operation of a processed egg station under the *Live Stock and Live Stock Products Act* and the regulations, and in support of this application the following facts are stated:

1. Business address of applicant.....
2. Name of processed egg station.....
3. Location of processed egg station.....
.....
(lot and concession, municipality, county)
4. Owner of processed egg station.....
.....
(give name of person, partnership or corporation, and if partnership, give names of all partners)
5. The premises of the processed egg station comply with the regulations.

.....
(signature of applicant)

By.....
(title of person signing if a
partnership or corporation)

O. Reg. 556/77, Form 1.

Form 2

Live Stock and Live Stock Products Act

PROCESSED EGG

LICENCE FOR OPERATION OF A PROCESSED EGG STATION

Under the *Live Stock and Live Stock Products Act* and the regulations, and subject to the limitations thereof, this licence is issued to

.....
(name)

.....
(address)

for the operation of a processed egg station at.....
.....
(location)

This licence is not transferable.

This licence shall remain in force unless suspended or cancelled by the Commissioner, or the holder thereof ceases to operate the processed egg station.

Issued at Toronto, the day of, 19...

.....
Live Stock Commissioner

O. Reg. 556/77, Form 2.

Form 3

*Live Stock and Live Stock Products Act*APPLICATION FOR A LICENCE TO SELL INEDIBLE EGGS OR
INEDIBLE PROCESSED EGG

To The Live Stock Commissioner,
Legislative Buildings,
Toronto.

.....
(name of applicant)

.....
(address)

applies for a licence to sell inedible eggs or inedible processed egg under the *Live Stock and Live Stock Products Act* and the regulations, and in support of this application the following facts are stated:

1. Location of premises of applicant
2. Owner of premises
-
(give name of person, partnership or corporation, and if partnership, give names of all partners)
-
3. Name under which business is carried on
-
4. The applicant has complied with the regulations.

Date

.....
(signature of applicant)

O. Reg. 556/77, Form 3.

Form 4

Live Stock and Live Stock Products Act

LICENCE TO SELL INEDIBLE EGGS OR INEDIBLE PROCESSED EGG

Under the *Live Stock and Live Stock Products Act* and the regulations, and subject to the limitations thereof, this licence is issued to

(name)

.....
(address)

to sell inedible eggs or inedible processed egg.

This licence is not transferable.

This licence shall remain in force unless suspended or cancelled by the Commissioner.

Issued at Toronto, the day of, 19...

.....
Live Stock Commissioner

O. Reg. 556/77, Form 4.

Form 5

Live Stock and Live Stock Products Act

APPLICATION FOR LICENCE TO PURCHASE INEDIBLE EGGS OR
INEDIBLE PROCESSED EGG

To The Live Stock Commissioner,
Legislative Buildings,
Toronto.

.....
(name of applicant)

.....
(address)

applies for a licence to purchase inedible eggs or inedible processed egg under the *Live Stock and Live Stock Products Act* and the regulations, and in support of this application the following facts are stated:

1. Location of premises of applicant.....
2. Owner of premises.....
.....
(give name of person, partnership or corporation, and if partnership, give names of all partners)
.....
3. Name under which business is carried on.....
.....
4. The applicant has complied with the regulations.

Date.....
.....
(signature of applicant)

O. Reg. 556/77, Form 5.

Form 6

Live Stock and Live Stock Products Act

LICENCE TO PURCHASE INEDIBLE EGGS OR INEDIBLE PROCESSED EGG

Under the *Live Stock and Live Stock Products Act* and the regulations, and subject to the limitations thereof, this licence is issued to,

.....
(name)

.....
(address)

to purchase inedible eggs or inedible processed egg.

This licence is not transferable.

This licence shall remain in force unless suspended or cancelled by the Commissioner.

Issued at Toronto, the day of, 19...

.....
Live Stock Commissioner
O. Reg. 556/77, Form 6.

Form 7

Live Stock and Live Stock Products Act

PROCESSED EGG

NOTICE OF DETENTION

Place..... Date.....

To.....
(name) (address)

You are hereby notified that the lot of processed egg described below has been placed under detention:

.....
.....
.....

and that Tag No. has been attached to one container of the lot of processed egg.

You are hereby authorized to move the processed egg for correction to

.....

Reason for Detention

.....

This Notice of Detention was.....

.....
(state whether delivered or mailed)

and.....

.....
(state whether copy was delivered or mailed to the person in possession)

.....
(signature of inspector)

O. Reg. 556/77, Form 7.

Form 8

Live Stock and Live Stock Products Act

PROCESSED EGG

NOTICE OF RELEASE FROM DETENTION

Place..... Date.....

To.....
(name) (address)

You are hereby notified that the lot of processed egg placed under detention at.....
(place of detention)

on..... to one container of which Tag No. was attached, has
(date of detention)

been released from detention.

This Notice of Release from Detention was.....
(state whether delivered or mailed)

.....
(signature of inspector)
O. Reg. 556/77, Form 8.

Form 9

Live Stock and Live Stock Products Act

PROCESSED EGG

PROCESSED EGG UNDER DETENTION

Tag.....

Under the *Live Stock and Live Stock Products Act* and the regulations, I have placed under detention* the processed egg in the lot of processed egg included with the container, or to which this tag is attached, described as follows:

.....

.....

.....

.....

Date.....
(signature of inspector)

*Sections 19, 21 and 22 of Regulation 583 of Revised Regulations of Ontario, 1980 read as follows:

19. An inspector may place under detention any processed egg that does not comply with the Act and this Regulation by affixing to at least one container of the lot a detention tag in Form 9.

21. Unless authorized by an inspector, no person shall alter or remove a detention tag affixed to a container of processed egg under section 19.

22. Except with the written permission of an inspector, no person shall remove, sell, or otherwise dispose of any processed egg contained in a lot in respect of which a detention tag has been placed on a container under section 19.

O. Reg. 556/77, Form 9.

REGULATION 584

under the Live Stock and Live Stock Products Act

WOOL

1. In this Regulation,

- (a) "producer" means a person who sells wool produced on his own farm or ranch;
- (b) "warehouseman" means a person who operates an establishment where wool is assembled, graded, bought, offered for sale or sold;
- (c) "wool collector" means a collector of ungraded wool from producers. O. Reg. 396/80, s. 1.

2. For the purpose of grading, all wool produced in Ontario shall be known as Eastern Domestic Fleece wool and shall conform to the following standards:

- 1. Special selection, consisting of choice, light-shrinking, clean, lofty-style fleece.
- 2. Paper felt, consisting of sound uniform long-stapled fleeces suitable for manufacture of paper makers' felts.
- 3. Regular, consisting of all other fleece wool. O. Reg. 396/80, s. 2.

3. Where wool is graded, it shall be graded as follows:

- 1. Southdown style 56/58s.
- 2. Medium staple 56s.
- 3. Medium clothing (3/8 blood clothing).
- 4. Low medium staple 48/50s.
- 5. Low-staple 44/46s.
- 6. Coarse 36/40s.
- 7. Defective,
 - (a) grey and black;
 - (b) dead;
 - (c) light chaffy and burry;
 - (d) heavy chaffy and burry;
 - (e) soft cots;
 - (f) hard cots;

(g) tags;

(h) damaged;

(i) kempy;

(j) sweepings. O. Reg. 396/80, s. 3.

4. At the time of collection or receipt of wool, a wool collector shall,

- (a) identify each producer's lot of wool as to ownership; and
- (b) deliver to the producer one copy of a statement showing,
 - (i) the name and address of the wool collector,
 - (ii) the name of the warehouseman to whom the wool is to be delivered,
 - (iii) the name and address of the producer,
 - (iv) whether settlement with the producer is to be on the basis of graded or ungraded wool,
 - (v) the date of collection or receipt,
 - (vi) the number of packages in each lot,
 - (vii) the signature of the wool collector, and
 - (viii) the signature of the producer,

and shall retain one copy of the statement for at least six months and forward one copy to the warehouseman. O. Reg. 396/80, s. 4.

5. A wool collector shall immediately forward or deliver all ungraded wool to a warehouseman. O. Reg. 396/80, s. 5.

6. Wool shall be graded only on premises operated by a warehouseman. O. Reg. 396/80, s. 6.

7.—(1) Where settlement with the producer is to be made on the basis of graded wool, the warehouseman shall grade the wool within one month of the date of its receipt by him.

(2) After the wool has been graded, the warehouseman shall complete a wool statement in Form 1 for each lot of wool received by him.

(3) The warehouseman shall deliver to the producer one copy of the wool statement referred to in subsection (2) when making settlement for the wool and shall retain one copy of the statement for one year. O. Reg. 396/80, s. 7.

8. Where settlement with the producer is to be made on the basis of ungraded wool, the warehouseman shall deliver to the producer one copy of a completed wool statement in Form 2 when making settlement for the wool and shall retain one copy of the statement for one year. O. Reg. 396/80, s. 8.

9. Unless wool has been graded in accordance with this Regulation, no person shall,

(a) apply to it a grade established by this Regulation; or

(b) sell or offer for sale wool by grade. O. Reg. 396/80, s. 9.

10. This Regulation does not apply to wool delivered or consigned by a producer to a manufacturer of woolen goods to be carded or otherwise processed.

O. Reg. 396/80, s. 10.

<div>Form 1</div> <div><i>Live Stock and Live Stock Products Act</i></div> <div>WOOL STATEMENT</div> <div>For Eastern Domestic Fleece Wool</div>				Lot No.
				Warehouse Receiving Weights
Producer's Name			Gross	
Address		Prov.		Tare
Via	Sacks	Bags	Net	
Grade	Weight	Price	Revenue	
Southdown Style	56/58s			
Medium Staple	56s			
Medium Clothing ($\frac{3}{8}$ blood clothing)				
Low Medium Staple	48/50s			
Low Staple	44/46s			
Coarse	36/40s			
Defective: Grey and black				
Dead				
Light chaffy and burry				
Heavy chaffy and burry				
Soft cots				
Hard cots				
Tags				
Damaged				
Kempy				
Sweepings				
Totals				\$
Deductions: Freight or Cartage		\$		\$
Advances		\$		
		\$		
Date of Settlement		Balance to Producer		\$

Date Received	Date Graded	Grader
Signature of Warehouseman		
Name of Wool-Collector		
Remarks		
Clean lot	Grades are as shown above	
Defective		

.....
Signature of Inspector
O. Reg. 396/80, Form 1.

Form 2
Live Stock and Live Stock Products Act
WOOL STATEMENT

(Producer's Name)

(Address) (Prov.)

(Via)

Number of sacks of wool _____

Weight of wool _____

Date received _____

Price per pound _____

Total Price _____

Deduction, Freight or
Cartage _____

Advances _____

Balance to Producer _____

Date of Settlement _____

Signature of Warehouseman _____

REGULATION 585

under the Live Stock Branding Act

FORMS

1. An application for allotment of a brand shall be in Form 1. O. Reg. 331/72, s. 1.
2. An application for transfer of a brand shall be in Form 2. O. Reg. 331/72, s. 2.
3. A certificate of the allotment or transfer and of the recorded entry of a brand shall be in Form 3. O. Reg. 331/72, s. 3.

Form 1

Live Stock Branding Act

APPLICATION FOR ALLOTMENT
OF A BRAND

To The Live Stock Commissioner,
Ministry of Agriculture and Food,
Legislative Buildings,
Toronto, Ontario.

In accordance with the provisions of the *Live Stock Branding Act*, I hereby make application for the allotment of a brand for the identification of my

.....
(specify class of live stock)

The prescribed fee of One Dollar (\$1) is enclosed.

Name of applicant.....

Address.....

Lot.....Con.....Township.....

County, etc.....

If still available, I would like to have one of the following brands allotted:

2nd choice.....

3rd choice.....

Date.....
(signature of applicant)
O. Reg. 331/72, Form 1.

Form 2

Live Stock Branding Act

APPLICATION FOR TRANSFER OF BRAND

To The Live Stock Commissioner,
Ministry of Agriculture and Food,
Legislative Buildings,
Toronto, Ontario.

In accordance with the provisions of the *Live Stock Branding Act* I,

owner of Brand No....., hereby make application to transfer ownership of the brand to,

Name.....

Address.....

Lot.....Con.....Township.....

County, etc.....

The prescribed fee of fifty cents (50¢) is enclosed.

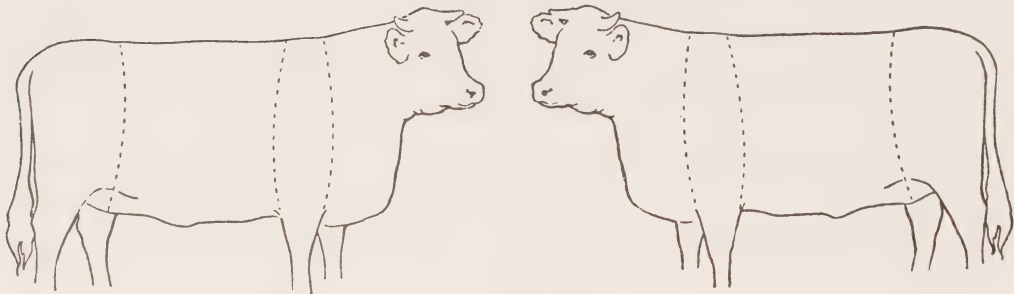
Date.....
(signature of owner of brand)
O. Reg. 331/72, Form 2.

Form 3

Live Stock Branding Act

BRAND CERTIFICATE

No.....



Position. Right.....

Left.....

Name of Owner.....

Post Office Address.....

Date of Record.....

Date of Expiration.....

I hereby certify that the above is a true record of the allotment (or transfer) and of the recorded entry in the Record of Brands of the above brand under the authority of the *Live Stock Branding Act*.

Toronto, Ontario,....., 19....

.....
(Live Stock Commissioner)

REGULATION 586

under the Live Stock Community Sales Act

GENERAL

CLASSES OF COMMUNITY SALES

1.—(1) The following classes of community sales are established:

1. Class 1, consisting of community sales that are regularly held once a week on the day designated on the licence of the operator and have an annual average gross return per sale of not more than \$75,000.
2. Class 2, consisting of community sales that are regularly held once a week on the day designated on the licence of the operator and have an annual average gross return per sale of more than \$75,000.
3. Class 3, consisting of community sales that in five or more weeks in a year are regularly held twice a week on the days designated on the licence of the operator and have an annual average gross return per sale of not more than \$50,000.
4. Class 4, consisting of community sales that in five or more weeks in a year are regularly held twice a week on the days designated on the licence of the operator and have an annual average gross return per sale of more than \$50,000.
5. Class 5, consisting of community sales that are held primarily for the purpose of selling pure bred live stock registered in accordance with the *Livestock Pedigree Act* (Canada). R.R.O. 1970, Reg. 568, s. 1 (1).

(2) On an application for a licence in respect of a community sale,

- (a) the annual average gross return per sale for the year preceding the year in respect of which the application is made shall apply; or
- (b) if no community sales were held during such preceding year, the community sale shall be deemed to be,
 - (i) a Class 1 community sale where sales are to be held once a week, or
 - (ii) a Class 3 community sale where sales are to be held twice a week in five or more weeks,

in the licence year;

(c) if community sales were regularly held once a week during such preceding year or that part of a year preceding the date of the application, and are to be held twice a week in five or more weeks,

- (i) a Class 1 community sale shall be deemed to be a Class 3 community sale, and
- (ii) a Class 2 community sale shall be deemed to be a Class 4 community sale,

in the licence year or remainder thereof, as the case may be. R.R.O. 1970, Reg. 568, s. 1 (2); O. Reg. 316/72, s. 1.

2. The following sales or classes of sales of pure bred live stock are designated for the purposes of clause 2 (c) of the Act:

1. A sale of pure bred live stock held by an association of pure bred live stock breeders where,
 - i. the pure bred live stock are registered in accordance with the *Livestock Pedigree Act* (Canada),
 - ii. at least three-quarters of the live stock offered for sale are consigned by members of the association, and
 - iii. the association holds not more than four sales in any calendar year.
2. A sale of pure bred live stock held at the established place of business of an operator where,
 - i. the pure bred live stock are registered in accordance with the *Livestock Pedigree Act* (Canada),
 - ii. the sale is held for the purpose of dispersing a herd in whole or in part, and
 - iii. only live stock of the herd owner is offered for sale. R.R.O. 1970, Reg. 568, s. 2.

3.—(1) An application for a licence to engage in the business of operating community sales shall be in Form 1.

(2) A licence to engage in the business of operating community sales shall be in Form 2.

(3) The fee for a licence to engage in the business of operating community sales shall accompany the application for the licence or renewal thereof and is,

(a) where the licence is for a period commencing on or after the 1st day of January but before the 1st day of July in any year in respect of a community sale of,

(i) Class 1, \$200,

(ii) Class 2, \$400,

(iii) Class 3, \$400,

(iv) Class 4, \$600, and

(v) Class 5, \$200; and

(b) where the licence is for a period commencing on or after the 1st day of July in any year in respect of,

(i) Class 1, \$100,

(ii) Class 2, \$200,

(iii) Class 3, \$200,

(iv) Class 4, \$300, and

(v) Class 5, \$100. R.R.O. 1970, Reg. 568, s. 3 (1-3).

(4) Where,

(a) a licence was issued in respect of a Class 1 or Class 2 community sale; and

(b) on application therefor during the licence year, another licence is issued in respect thereof as a Class 3 or Class 4 community sale, as the case may be,

the fee for the licence mentioned in clause (b) is \$200 where it is issued before the 1st day of July in the licence year, or \$100 where it is issued thereafter, and such fee is in addition to the fee paid for the licence mentioned in clause (a). O. Reg. 316/72, s. 2.

(5) A licence expires with the 31st day of December of the year or part thereof for which it is issued.

(6) A licence is not transferable. R.R.O. 1970, Reg. 568, s. 3 (4, 5).

4.—(1) An operator licensed to engage in the business of operating community sales other than of Class 5 may, on obtaining a licence therefor in

Form 4 from the Director, hold a special community sale on a day other than the day or days designated on his licence for the holding of regular community sales, but no operator shall hold more than four special community sales in any year.

(2) An application for a licence in Form 4 shall be made to the Director in respect of each special community sale,

(a) in Form 5; and

(b) not less than thirty days prior to the day on which such sale is to be held.

(3) The fee for a licence in Form 4 is \$20 and shall accompany the application therefor. R.R.O. 1970, Reg. 568, s. 4.

ADDITIONAL CONDITIONS FOR LICENSING

5. In addition to the conditions mentioned in section 11 of the Act, every licence is subject to the conditions that the licensee shall,

(a) insure with an insurer licensed under the *Insurance Act* all live stock accepted for sale at each community sale to its full market value against loss or damage by fire or lightning, while on the premises;

(b) provide at least two direct means of egress from each building for the persons on the premises for community sales;

(c) provide reasonable means of releasing live stock in the event of fire occurring in or threatening any building in which live stock is stabled for a community sale;

(d) provide means of fighting incipient fires that may occur on the premises;

(e) notify the Director within five days after the holding of each community sale of the names and addresses of and the amounts owing to each consignor who has not been paid in full for his live stock sold at the community sale;

(f) provide such information as the Director requires, including audited statements, in respect of the holding of any community sale;

(g) in the case of Class 1 or Class 2 community sales, except as otherwise provided by section 4,

(i) hold not more than one community sale in any week, and

- (ii) hold such sale only on the day of the week designated on his licence;
- (h) in the case of Class 3 or Class 4 community sales, except as otherwise provided by section 4,
 - (i) hold not more than two community sales in any week, and
 - (ii) hold such sales only on the days of the week designated on his licence;
- (i) in the case of Class 5 community sales,
 - (i) hold not more than two community sales in any week, and
 - (ii) in respect of a sale held on a day other than the day of the week or month designated on his licence, notify the Director in writing not less than fifteen days prior to the day on which such sale is to be held. R.R.O. 1970, Reg. 568, s. 6.

BONDING OF OPERATORS

6.—(1) Every operator shall, on or before making application for a licence or renewal thereof, deposit with the Director security in the form of,

- (a) direct and guaranteed securities of the Government of Canada;
- (b) direct and guaranteed securities of the Government of Ontario;
- (c) guaranteed investment certificates of trust companies registered under the *Loan and Trust Corporations Act*;
- (d) debentures of loan corporations registered under the *Loan and Trust Corporations Act*; or
- (e) a surety bond of a guarantee company approved under the *Guarantee Companies Securities Act* in Form 3.

(2) The amount of security provided under subsection (1) shall be in the case of a community sale of,

- (a) Class 1, \$10,000;
- (b) Class 2, \$20,000;
- (c) Class 3, \$20,000;
- (d) Class 4, \$30,000; and

- (e) Class 5, \$20,000. R.R.O. 1970, Reg. 568, s. 7.

7.—(1) The security deposited under section 6 shall be applicable solely to the unpaid claims of consignors of live stock to a community sale that is held by the operator in accordance with the provisions of the Act and this Regulation.

(2) The security deposited under section 6 shall remain on deposit with the Director for a period of one year after,

- (a) the date on which the operator,
 - (i) ceased to engage in the business of operating community sales, or
 - (ii) ceased to be the holder of a licence; or
- (b) in the case of a surety bond, the date on which the cancellation thereof takes effect. R.R.O. 1970, Reg. 568, s. 8.

8.—(1) Where an operator fails to pay a consignor after payment becomes due for live stock sold at a community sale, the consignor may, not later than ninety days after the date of the community sale at which such live stock were sold, file with the Director a claim against the operator.

(2) On receipt of a claim under subsection (1), the Director shall give notice in writing to the operator respecting the claim of the consignor.

(3) Where the operator disputes the claim of the consignor, he shall notify the Director in writing within ten days after the mailing or delivery of the notice mentioned in subsection (2).

(4) On receipt of a notice under subsection (3), the Director shall, after notice to the operator and the consignor, conduct a hearing for the purpose of determining the validity of the claim.

(5) Where the operator fails to appear at the hearing mentioned in subsection (4), the Director may proceed in his absence to determine the validity of the claim.

(6) Where,

- (a) the Director determines that the claim of the consignor is valid; or
- (b) the operator fails to dispute the claim of the consignor within the time and in the manner prescribed by subsection (3),

the Director may realize upon the security of the operator and, from the proceeds thereof, shall pay to the consignor the amount of his claim.

(7) Where more than one consignor files a claim in accordance with subsection (1) and the amount of moneys realized upon the security is insufficient to satisfy the valid claims of the consignors, the Director shall distribute the moneys *pro rata* to the consignors entitled to payment in accordance with the provisions of this Regulation.

(8) Where the licence of an operator is suspended or revoked at or before the time the Director realizes on the security deposited by the operator, the Director may defer payments to consignors under subsection (6) or (7) until the expiration of ninety days after the date of such suspension or revocation, and any claim filed in accordance with subsection (1) in respect of which the Director receives notice during such ninety-day period is eligible for payment out of the moneys realized upon the security.

(9) Where,

(a) the operator has deposited with the Director security in the form of securities under clause 6 (1) (a), (b), (c) or (d); and

(b) the Director has realized upon the security under subsection (6),

the operator shall deposit such additional security with the Director as may be necessary to comply with section 6 and, upon the operator depositing additional security, the Director shall return to the operator any moneys remaining from the sale of securities by the Director after the payment of the claims of consignors under subsection (6) or (7). R.R.O. 1970, Reg. 568, s. 9.

9. The Director may, in respect of a claim, refuse to realize upon the security or to make payment, as the case may be,

(a) where any cheque received by the consignor from the operator is dishonoured by non-acceptance or non-payment unless the consignor presented the cheque for payment within thirty days after the date on which he received it;

(b) where the consignor fails to file the claim with the Director within the time prescribed by subsection 8 (1);

(c) where the consignor has made an arrangement with the operator whereby the time on which payment becomes due is extended; or

(d) unless the validity of the claim has been determined by a judgment of a court. R.R.O. 1970, Reg. 568, s. 10.

SANITARY CONDITIONS AND USE OF DISINFECTANTS ON PREMISES

10.—(1) Every operator shall, at least twelve hours before any live stock is received on his premises for the purpose of a community sale,

(a) remove manure and refuse from and clean the premises of his community sale yard; and

(b) use a disinfectant on the premises after the removal of the manure and refuse therefrom, and after the cleaning thereof.

(2) The disinfectant used shall,

(a) have a phenol coefficient of not less than three and shall be mixed with water in the proportion of two ounces of the disinfectant to one gallon of water; and

(b) be sprayed at the rate of not less than one gallon of the disinfectant to each 800 square feet of surface on every part of floors of stables, pens, passage-ways, loading platforms, sale-rings, and on all walls or parts thereof with which live stock may come in contact in the community sale yard. R.R.O. 1970, Reg. 568, s. 11.

DUTIES OF VETERINARIANS

11. A veterinarian, in respect of premises to which he is assigned by the Director, shall,

(a) attend at the premises before the commencement of each community sale;

(b) determine that the operator maintains the conditions and facilities mentioned in section 12 of the Act in respect of the premises before the commencement of the community sale;

(c) determine that the operator has not assembled live stock in greater numbers than permitted by section 13 of the Act;

(d) determine by examination or inspection of live stock on the premises whether or not any of the live stock is affected with disease;

(e) where he finds live stock affected with disease, notify the operator and, subject to clauses (f) and (g), ensure that the live stock is removed forthwith from the premises;

(f) where he finds live stock affected with a disease that a person having knowledge thereof may buy, notify the operator and,

with the consent of the consignor and the approval of the Director, permit the sale of the live stock, but he shall require the operator or the auctioneer to announce, at the time of offering for sale, the disease with which the live stock is affected ;

(g) where he finds any live stock infected with an "infectious or contagious disease" as defined in the *Animal Disease and Protection Act* (Canada), notify immediately,

(i) the Director, and

(ii) the closest district veterinarian appointed under the *Animal Disease and Protection Act* (Canada), and he shall take precautions to prevent the spread of the disease; and

(h) at the conclusion of each community sale, complete a report in the form provided by the Director and forward it immediately to the Director. R.R.O. 1970, Reg. 568, s. 12, *revised*.

DUTIES OF INSPECTORS

12. An inspector, in respect of any premises on which community sales are held, shall,

- (a) inspect the premises and the facilities for holding community sales ;
- (b) make inquiries in respect of the community sales operations ; and
- (c) report to the Director on any matters respecting the holding of the community sales. R.R.O. 1970, Reg. 568, s. 13.

TIME OF DELIVERY

13. No operator shall accept on his premises any live stock for sale at a community sale after 9 p.m. on the day of holding of the sale. R.R.O. 1970, Reg. 568, s. 14.

CONDITIONS OF ASSEMBLING

14. When live stock is assembled on the premises of an operator, no live stock that shows evidence of disease shall be stabled with other animals in the same area of the premises. R.R.O. 1970, Reg. 568, s. 15.

CONDITIONS OF OFFERING FOR SALE

15.—(1) Except as otherwise provided, no operator shall offer for sale at a community sale live stock affected with disease.

(2) Where live stock is offered for sale by weight,

- (a) the live stock shall, immediately prior to the offering for sale, be weighed on the scales installed under clause 12 (f) of the Act; and
- (b) the weight shall be made known by announcement or otherwise to prospective bidders at the sale-ring at the time the live stock is offered for sale. R.R.O. 1970, Reg. 568, s. 16.

Form 1

Live Stock Community Sales Act

APPLICATION FOR LICENCE FOR THE OPERATION OF COMMUNITY SALES

To: The Director,
Veterinary Services Branch,
Ministry of Agriculture and Food,
Legislative Buildings,
TORONTO.

.....
(name of corporation, partnership or person and, if partnership, names of all partners)

.....
(address)

applies for a licence to engage in the business of operating community sales under the *Live Stock Community Sales Act* and the regulations and, in support of this application, the following facts are stated:

- 1. Business address of applicant.....
- 2. Name under which business is operated.....
- 3. Location of community sale premises.....
(lot,
.....
concession, township, county)
- 4. Owner of community sale premises.....
- 5. Sales are regularly held as follows:
 - (i) once a week on.....; or
(day of week)
 - (ii) twice a week in five or more weeks in a year
on.....and.....
(days of week)
- 6. In the case of pure bred live stock sales, day of week or month on which regularly held.....
- 7. Time sale or sales scheduled to start.....

8. Average gross return per sale in year preceding
that for which application made: \$.....

9. Live stock insured against loss or damage by
fire or lightning by a policy issued by.....
(name of insurer)

Policy No..... Amount \$.....

Expiry date.....

Dated at....., this.....day of
....., 19....

.....
(signature of applicant)

.....
(title of official signing for a
corporation)

R.R.O. 1970, Reg. 568, Form 1.

Form 2

Live Stock Community Sales Act

LICENCE FOR THE OPERATION OF COMMUNITY SALES

Year..... Class..... Licence No.....

Under the *Live Stock Community Sales Act*, and the
regulations, and subject to the limitations thereof,
this licence is issued to

.....
(name)

.....
(address)

carrying on business as.....
to engage in the business of operating community
sales at.....
(location)

Day or days of the week or month designated for
the holding of community sales:.....
This licence expires with the 31st day of December,
19....

Issued at Toronto, this....day of.....,
19....

.....
(Director, Veterinary Services Branch)

R.R.O. 1970, Reg. 568, Form 2.

Form 3

Live Stock Community Sales Act

BOND OF OPERATOR

Bond No..... Amount.....

KNOW ALL MEN BY THESE PRESENTS,

that we.....

of the.....of.....

in the county of.....

hereinafter called the "Principal" and.....

.....
hereinafter called the "Surety" are jointly and
severally bound unto the Director of the Veterinary
Services Branch of the Ontario Ministry of Agri-
culture and Food, hereinafter called the "Director"

in the sum of.....of lawful money of
Canada to be paid unto the Director, his succes-
sors or assigns, for which payment well and truly
to be made we jointly and severally bind ourselves
and our respective heirs, executors, administrators
and assigns firmly by these presents.

WHEREAS the Principal has applied for a licence
to operate a community sale under the *Live Stock
Community Sales Act* and the regulations made
thereunder for the period ending on the.....

day of....., 19....

NOW THEREFORE THE CONDITION OF THIS OBLI-
GATION is such that if the Principal shall faithfully
comply with all the requirements of the Act and
the regulations made thereunder respecting payment
of obligations to consignors of live stock to the
extent provided for in the regulations and shall
promptly pay all amounts due to consignors of live

stock during the licence year ending on the....day of

....., 19...., then this obligation shall
be void but otherwise shall be and remain in full
force.

PROVIDED HOWEVER and upon the following ex-
press conditions:

- (a) that all liability of the Surety shall cease
upon the cancellation or suspension of the
licence of the Principal by the Director, but
the Principal and Surety shall remain liable
hereunder from the effective date of this
Bond up to the cancellation or suspension;

- (b) that the Surety may cancel this Bond at any time upon giving sixty days notice in writing to the Director but the Surety shall be liable hereunder from the effective date of this Bond up to the expiration of the notice of cancellation; and
- (c) that in the event of this Bond being continued by renewal certificate the Surety's liability thereunder shall not be cumulative and shall in no event exceed the penal sum written above or the amount substituted for such penal sum by any subsequent endorsement or renewal certificate.

SEALED with our seals and dated the.....
day of....., 19....

SIGNED, SEALED AND DELIVERED in the presence of:	..... Principal
	..... Corporate Seal
Name:.....	.....
Address:.....	..... Guarantee Company

R.R.O. 1970, Reg. 568, Form 3.

Form 4

Live Stock Community Sales Act

LICENCE FOR THE HOLDING OF A
SPECIAL COMMUNITY SALE

Year..... Licence No.....

Under the *Live Stock Community Sales Act* and the regulations, and subject to the limitations thereof, this licence is issued to

.....
(name)
.....
(address)

carrying on business as.....
and operating a Class.....community sale, to
hold a special community sale on the.....
day of....., 19....at.....
(location)

Issued at Toronto, this..... day of.....,
19....

.....
(Director, Veterinary Services Branch)

R.R.O. 1970, Reg. 568, Form 4.

Form 5

Live Stock Community Sales Act

APPLICATION FOR LICENCE FOR THE
HOLDING OF A SPECIAL COMMUNITY
SALE

To: The Director,
Veterinary Services Branch,
Ministry of Agriculture and Food,
Legislative Buildings,
TORONTO.

.....
(name of applicant)

.....
(address)

applies for a licence to hold a special community sale under the *Live Stock Community Sales Act* and the regulations and, in support of this application, the following facts are stated:

1. Name under which business is operated.....
2. Date sale is to be held.....
3. Time sale is scheduled to start.....
4. Number of special community sales held during present year.....

The licence fee of \$20 accompanies this application.
Dated at....., this.....day of
....., 19....

.....
(signature of applicant)
.....
(title of official signing for a corporation)

R.R.O. 1970, Reg. 568, Form 5.

REGULATION 587

under the Live Stock Medicines Act

GENERAL

1. In this Regulation, "biological" means a bacterin, vaccine, toxoid, antiserum or antitoxin prepared for use in the prevention or treatment of live stock diseases. O. Reg. 723/78, s. 1.

2. Subject to the provisions of the *Food and Drugs Act* (Canada) and the Food and Drug Regulations made thereunder, the drugs and classes of drugs designated in the Schedule are designated as live stock medicines for the purposes of the Act and this Regulation. O. Reg. 723/78, s. 2.

3.—(1) The following classes of licences are established:

1. Class 1.
2. Class 2.
3. Class 3.

(2) A live stock medicine designated in the Schedule, except a biological labelled by the manufacturer for use solely for poultry, is designated as a live stock medicine that may be sold by the holder of a Class 1 licence at his established place of business.

(3) A live stock medicine designated in the Schedule and labelled by the manufacturer for use for poultry is designated as a live stock medicine that may be sold by the holder of a Class 2 licence at his established place of business.

(4) A Class 3 licence authorizes the holder of a Class 1 or Class 2 licence to sell at a temporary place of business the live stock medicines that he is authorized to sell at his established place of business. O. Reg. 723/78, s. 3.

4.—(1) An application for a licence to sell live stock medicines shall be made to the Director in Form 1.

(2) A licence to sell live stock medicines shall be in Form 2.

(3) The fee for a licence in Form 2 is \$20 and shall accompany the application therefor.

(4) A licence in Form 2 expires with the 31st day of July next following the date on which it is issued.

(5) A licence in Form 2 is not transferable. O. Reg. 723/78, s. 4.

5.—(1) A holder of a Class 1 or Class 2 licence may on application therefor obtain a licence in Form 3.

(2) An application for a licence in Form 3 shall be made to the Director,

(a) in Form 4; and

(b) not less than thirty days prior to the day on which he intends to sell live stock medicines at such temporary place of business.

(3) The fee for a licence in Form 3 is \$15 and shall accompany the application therefor.

(4) A licence in Form 3 is valid only for the period shown on the licence. O. Reg. 723/78, s. 5.

6.—(1) A licence in Form 2 or Form 3 is issued on the terms and conditions that the licensee,

(a) shall continue to have an established place of business for the storage and sale of live stock medicines;

(b) shall keep for sale or sell live stock medicines only at the established or temporary place of business described on the licence;

(c) shall not keep for sale or sell any live stock medicines after the expiration date indicated by the manufacturer on the label thereof;

(d) shall not repackage or relabel live stock medicines;

(e) shall not deliver a live stock medicine to a live stock owner without an order from that owner authorizing such delivery evidenced by an invoice prepared by the licensee in advance of delivery;

(f) shall keep refrigerated all live stock medicines that require refrigeration;

(g) shall store in the manner prescribed by this Regulation all live stock medicines that do not require refrigeration;

(h) shall not keep for sale or sell any live stock medicine other than a live stock medicine designated for his class of licence; and

- (i) shall not sell a live stock medicine to any person other than an owner of live stock or for any purpose other than the treatment of live stock.

(2) A licence in Form 3 shall be issued only for a temporary place of business that is located on premises where live stock are assembled in connection with,

- (a) an agricultural exhibition organized and held by an agricultural society;
- (b) a horse show sanctioned by The Canadian Equestrian Federation; or
- (c) the holding of horse races.

O. Reg. 723/78, s. 6.

7.—(1) Every licensee shall provide, at any place where he maintains, handles or stores live stock medicines,

- (a) for live stock medicines that require refrigeration, a refrigerator that,
 - (i) will maintain the live stock medicines at the temperatures prescribed therefor by the manufacturer, and
 - (ii) is used solely for the storage of live stock medicines; and
- (b) for live stock medicines that do not require refrigeration, a cabinet or other facility for storage that,
 - (i) is used solely for the storage of live stock medicines, and
 - (ii) is constructed or located so that live stock medicines do not come in contact with any food or medicine for human consumption.

(2) Every refrigerator, cabinet or other storage facility shall be maintained in a clean and sanitary condition. O. Reg. 723/78, s. 7.

8.—(1) Every licensee shall,

- (a) sell every live stock medicine in the container in which it is received by him;
- (b) in the case of any live stock medicine bearing a warning or caution on the label, draw the attention of the purchaser to such warning or caution; and
- (c) immediately after the expiration date indicated by the manufacturer on the label of a live stock medicine, remove the live stock medicine from sale and keep it separate from other live stock medicines

until it is disposed of in a manner approved by the Director.

(2) No licensee shall engage in any practice by which a live stock medicine is held out as an inducement for the purchase of live stock medicines or other goods, or by which other goods are held out as an inducement for the purchase of live stock medicines.

(3) No licensee shall store or permit to be stored any food or medicine for human consumption in a refrigerator, cabinet or facility used for the storage of live stock medicines. O. Reg. 723/78, s. 8.

9.—(1) Every licensee shall keep accurate records of the live stock medicines sold by him, and the record of each sale shall include,

- (a) the date of the sale;
- (b) the name and address of the purchaser;
- (c) the brand name and quantity; and
- (d) the lot numbers of any biologicals.

(2) Every record of a sale of live stock medicines shall be kept for a period of at least two years. O. Reg. 723/78, s. 9.

10. No advertising in respect of live stock medicines by a licensee shall exceed the claims or information set out on the manufacturer's label. O. Reg. 723/78, s. 10.

11.—(1) Where an inspector seizes, removes or detains any live stock medicine under clause 3 (5) (c) of the Act, he shall,

- (a) attach thereto a tag bearing a serial number and the words "Ont. Detained";
- (b) forthwith thereafter notify the owner or the person who had possession thereof in writing of,
 - (i) the seizure, and
 - (ii) the grounds on which the seizure was made; and
- (c) direct that such live stock medicine be detained in the place where it was found or be removed to another place designated by him.

(2) Where a live stock medicine is detained, no person shall,

- (a) remove the tag attached thereto; or
- (b) sell, offer to sell, move or allow or cause to be moved such live stock medicine.

- (3) Where an inspector is satisfied that,
- (a) the licensee is not contravening the provisions of the Act or this Regulation relating to a live stock medicine that is detained; or
 - (b) the person whose live stock medicine is detained is authorized to sell live stock medicines to owners of live stock for the treatment of live stock,

he shall remove the tag attached thereto and release the live stock medicine from detention.

- (4) Where,
- (a) after a hearing, the Director finds,
 - (i) that there is a contravention of the Act or this Regulation by the licensee whose live stock medicine is detained, or
 - (ii) that the person whose live stock medicine is detained is not authorized to sell live stock medicines to owners of live stock for the treatment of live stock; or
 - (b) a person is convicted of an offence against the Act or this Regulation in respect of live stock medicine that is detained,

the Director may direct that the live stock medicine be destroyed or disposed of in such manner as he considers advisable.

(5) Any proceeds realized from the disposal of live stock medicine under subsection (4) shall be paid to the Treasurer of Ontario. O. Reg. 723/78, s. 11.

12. Where a licence is refused, suspended or revoked, any live stock medicines in the possession of the applicant or licensee shall be removed and disposed of under the supervision of an inspector by,

- (a) the sale thereof to a person authorized to sell live stock medicines;
- (b) the return thereof to the supplier of the live stock medicines; or
- (c) any other method satisfactory to the Director. O. Reg. 723/78, s. 12.

13. In addition to the grounds mentioned in section 6 of the Act, the Director may refuse to renew or may suspend or revoke a licence where the licensee sells any drug other than a live stock medicine. O. Reg. 723/78, s. 13.

Form 1

Live Stock Medicines Act

APPLICATION FOR LICENCE TO SELL
LIVE STOCK MEDICINES

To: The Director,
Veterinary Services Branch,
Ministry of Agriculture and Food,
Legislative Buildings,
TORONTO.

.....
(name or corporation, partnership or person and, if
partnership, names of all partners)

.....
(address)

applies for a licence to sell live stock medicines to owners of live stock for the treatment of live stock under the *Live Stock Medicines Act* and the regulations, and in support of this application, the following facts are stated:

1. Name under which business is operated.....

2. Business address.....

3. Location of business.....

4. Does the applicant,

(a) sell biologicals for use solely for poultry?

(b) sell live stock medicines that require

refrigeration?.....

5. If refrigeration is required, does the applicant have a refrigerator for use solely for the storage of live stock medicines?.....

Dated at....., this.....day of
....., 19....

.....
(signature of applicant)

.....
(title of official signing for a
corporation)

O. Reg. 723/78, Form 1.

Form 2

Live Stock Medicines Act

LICENCE TO SELL
LIVE STOCK MEDICINES

Year..... Class..... Licence No.

Under the *Live Stock Medicines Act* and the regula-
tions, and subject to the limitations thereof, this
licence is issued to

.....
(name)

.....
(address)

carrying on business as

at

to sell live stock medicines designated for a Class....
licence.

This licence expires with the 31st day of July, 19....

Issued at Toronto, this..... day of, 19....

.....
(Director, Veterinary Services Branch)

O. Reg. 723/78, Form 2.

Form 3

Live Stock Medicines Act

LICENCE TO SELL LIVE STOCK MEDICINES
AT A TEMPORARY PLACE OF BUSINESS

Year..... Class..... Licence No.

Under the *Live Stock Medicines Act* and the regula-
tions, and subject to the limitations thereof, this
licence is issued to,

.....
(name)

.....
(address)

carrying on business as

and holding a Class.... licence numbered.....

to sell live stock medicines designated for a
Class.... licence at

.....
(temporary location)

from....., 19.... to....., 19....
both inclusive.

Issued at Toronto, this.... day of,

19....

.....
(Director, Veterinary Services Branch)

O. Reg. 723/78, Form 3.

Form 4

Live Stock Medicines Act

APPLICATION FOR LICENCE TO SELL
LIVE STOCK MEDICINES
AT A TEMPORARY PLACE OF BUSINESS

To: The Director,
Veterinary Services Branch,
Ministry of Agriculture and Food,
Legislative Buildings,
TORONTO.

.....
(name of licensee)

.....
(address)

carrying on business as
applies for a licence to sell at a temporary place of
business the live stock medicines that he is authorized
to sell at his established place of business, and in
support of this application the following facts are
stated:

1. Class of licence held.... Licence No.

2. Temporary place of business:

Location

Address

3. Period during which live stock medicines will be
sold at the temporary place of business is,

from....., 19.... to....., 19....
(date) (date)

4. Duration of agricultural exhibition, horse show
or horse races is,

from....., 19.... to....., 19....
(date) (date)

5. If refrigeration is required, does the licensee have
a refrigerator for use solely for the storage of
live stock medicines?

Dated at, this day of,

19.

.....
(signature of applicant)

.....
(title of official signing for a
corporation)

O. Reg. 723/78, Form 4.

Schedule

Item	Substance
1.	Acid Phosphoric
2.	Aconite
3.	Amprolium
4.	Arsenic or its salts or organic compounds or preparations thereof
5.	Bacitracin and its salts
6.	Barium Chloride
7.	Belladonna
8.	Benzocaine in topical or oral preparations
9.	Biologicals: <ol style="list-style-type: none"> Aleutian Diseases Antigen Avian Encephalomyelitis Bordetella bronchiseptica bacterin Clostridial Bacterins Clostridium Botulinum, Type C. Toxoid Erysipelas Bacterin Fowl Cholera Bacterin Fowl Pox Vaccine IBR-PI 3 Intranasal Vaccine Infectious Bronchitis Vaccine Infectious Bursal Disease Vaccine Infectious Laryngotracheitis Vaccine Leptospirosis Bacterin Marek's Vaccine Mink Distemper Vaccine

xvi.	Mink Enteritis Vaccine
xvii.	Newcastle Disease Vaccine
xviii.	Pasturella Bacterin in combination with Bordetella Bronchiseptica Bacterin
xix.	Pseudomonas Bacterin
xx.	Tetanus Toxoid
10.	Cantharides
11.	Carbadox
12.	Cedar Oil, from leaf or wood
13.	Chenopodium, the Oil of
14.	Chloroform
15.	Chlortetracycline
16.	Copper salts or compounds or preparations thereof
17.	Creosote
18.	Croton Oil
19.	Dihydrostreptomycin
20.	Dimetridazole
21.	Erythromycin
22.	Estradiol Benzoate as an implant growth promotant
23.	Ethylene Diamine Dihydroiodide
24.	Furazolidone
25.	Iodine, or preparations thereof stronger than 2½%
26.	Iodoform
27.	Iron Preparations
28.	Isopropyl Alcohol
29.	Lead Acetate
30.	Levamisole
31.	Lincomycin
32.	Mercury Preparations
33.	Methy Salicylate
34.	Neomycin
35.	Nitrofurazone

- | | |
|--|--|
| <p>36. Novobiocin</p> <p>37. Nux Vomica</p> <p>38. Oxytetracycline</p> <p>39. Oxytocin</p> <p>40. Penicillin G. Potassium</p> <p>41. Penicillin G. Procaine</p> <p>42. Phenol</p> <p>43. Phenothiazine</p> <p>44. Phenylephrine Hydrochloride, in preparations of not more than 0.2%</p> <p>45. Piperazine and its salts</p> <p>46. Polymyxin B</p> <p>47. Potassium Antimonyltartrate</p> <p>48. Potassium Bichromate</p> <p>49. Potassium Chlorate</p> <p>50. Potassium Permanganate</p> <p>51. Progesterone as an implant growth promotant</p> <p>52. Roxarsone</p> <p>53. Salicylic Acid</p> <p>54. Scopolamine and Methscopolamine in anti-diarrheal preparations</p> <p>55. Selenium or its salts or preparations thereof</p> <p>56. Sodium Hydroxide</p> <p>57. Spectinomycin</p> <p>58. Spiramycin</p> <p>59. Streptomycin</p> <p>60. Sulphonamides, including:</p> <p style="padding-left: 20px;">i. Sulfabenzamide</p> <p style="padding-left: 20px;">ii. Sulfabromomethazine</p> <p style="padding-left: 20px;">iii. Sulfachloropyrazine</p> <p style="padding-left: 20px;">iv. Sulfachloropyridazine</p> | <p style="padding-left: 20px;">v. Sulfadimethoxine</p> <p style="padding-left: 20px;">vi. Sulfaethoxypridazine</p> <p style="padding-left: 20px;">vii. Sulfamerazine</p> <p style="padding-left: 20px;">viii. Sulfamethazine</p> <p style="padding-left: 20px;">ix. Sulfanilamide</p> <p style="padding-left: 20px;">x. Sulfapyridine</p> <p style="padding-left: 20px;">xi. Sulfaquinoxaline</p> <p style="padding-left: 20px;">xii. Sulfathiazole, and all other Sulphonamides and their salts and derivates</p> <p>61. Tansy, oil of</p> <p>62. Testosterone, as an implant growth promotant</p> <p>63. Tetracycline</p> <p>64. Tetramisole</p> <p>65. Thiabendazole</p> <p>66. Tylosin</p> <p>67. Tyrothricin</p> <p>68. Virginiamycin</p> <p>69. Vitamins, except Vitamin D in parenteral preparations containing more than 100,000 I.U.'s per millilitre.</p> <p>70. Any other drug, other than a drug that is,</p> <p style="padding-left: 20px;">i. referred to in Schedule C, D, E, F, G or N established under Part VI of the <i>Health Disciplines Act</i>,</p> <p style="padding-left: 20px;">ii. a biological,</p> <p style="padding-left: 20px;">iii. a substance registered under the <i>Pest Control Products Act</i> (Canada) and not sold in accordance with the provisions of that Act, or</p> <p style="padding-left: 20px;">iv. a feeding stuff registered under the <i>Feeds Act</i> (Canada) and not sold in accordance with the provisions of that Act.</p> <p style="padding-left: 40px;">O. Reg. 723/78, Sched.; O. Reg. 695/79, s. 1;
O. Reg. 280/80, s. 1.</p> |
|--|--|

REGULATION 588

under the Loan and Trust Corporations Act

APPROVED TRUST COMPANIES

1. Each of the trust companies named in the Schedule is approved under section 120 of the Act as being acceptable as a trust company for the purposes of the Supreme Court. R.R.O. 1970, Reg. 569, s. 1.

Schedule

- | | |
|-----------------------------------|---|
| 1. Canada Permanent Trust Company | 8. The Equitable Trust Company |
| 2. The Canada Trust Company | 9. Guaranty Trust Company of Canada |
| 3. Citicorp Trust Company | 10. The Industrial Mortgage and Trust Company |
| 4. Community Trust Company Ltd. | 11. Montreal Trust Company |
| 5. Crown Trust Company | 12. National Trust Company, Limited |
| 6. District Trust Company | 13. The Premier Trust Company |
| 7. The Dominion Trust Company | 14. The Royal Trust Company |
| | 15. Royal Trust Corporation of Canada |
| | 16. Sterling Trust Corporation |
| | 17. Victoria and Grey Trust Company |

O. Reg. 563/80, s. 1.

REGULATION 589

under the Loan and Trust Corporations Act

COMMON TRUST FUNDS

INTERPRETATION

1. In this Regulation,

- (a) "Fund" means a common trust fund;
- (b) "participant" means any trust or estate, moneys of which are in a Fund;
- (c) "participation" means the interest of any participant in a Fund;
- (d) "security" includes bonds, debentures, guaranteed investment certificates, shares, stocks, warrants, rights to subscribe for or purchase shares of stocks, any title to or interest in the capital assets, property, profits, earnings or royalties of any undertaking or enterprise commonly evidenced by a certificate or other like document. R.R.O. 1970, Reg. 570, s. 1.

PLAN OF OPERATION

2.—(1) A Fund shall not be established unless there are trust moneys therein aggregating at least \$200,000 and until a written plan of operation for the Fund has been submitted to and approved by the Registrar.

(2) After such approval, the Fund shall be maintained in accordance with the plan of operation and any amendments made thereto from time to time with the approval of the Registrar.

(3) The plan of operation shall set forth the manner in which the Fund is to be operated and shall, among other things, contain provisions as to,

- (a) the investment powers of the trust company with the respect to the Fund, including the character and kind of investments that may be purchased for the Fund;
- (b) the computation and allocation of income, and the distribution thereof;
- (c) the allocation of the profits and losses of the Fund;
- (d) the terms and conditions governing admissions of trust moneys to and withdrawals of participations from the Fund;
- (e) the original unit of participation;

- (f) the form of documentation, if any, to be issued as evidence of participation;
- (g) the auditing and settlement of accounts of the trust company with respect to the Fund;
- (h) the basis and method of valuing the assets of the Fund;
- (i) the basis upon which the Fund may be terminated;
- (j) the method by which the plan may be amended; and
- (k) such other matters as may be necessary to define clearly the rights of participants.

(4) The plan shall provide that it is subject to the laws of the Province of Ontario pertaining to the operation of common trust funds.

(5) The plan may provide for the amortization of premiums and discounts upon bonds or other obligations, and for the allocation of profits and losses and the apportionment thereof between principal and income. R.R.O. 1970, Reg. 570, s. 2.

MANAGEMENT AND OWNERSHIP OF ASSETS IN FUND

3.—(1) The trust company shall have the exclusive management and control of any Fund that it maintains.

(2) No participant and no person having an interest in any participant shall have or be deemed to have individual ownership in any particular asset in a Fund.

(3) All the assets of a Fund shall at all times be considered as assets held in trust by the trust company, and title thereto is vested solely in the trust company as trustee. R.R.O. 1970, Reg. 570, s. 3.

UNITS OF PARTICIPATION

4.—(1) A Fund shall be divided into units of equal value, and the proportionate interest of each participant shall be expressed by the number of such units allocated to it.

(2) Upon the establishment of a Fund, a trust company shall divide the Fund into units of \$5 or any multiple of \$5, and shall allocate to each participant the number of units proportionate to its original investment in the Fund.

(3) When additional moneys are admitted to the Fund, the amount so admitted shall be equal to the then value of one or more of the units of the Fund, and the number of units shall be increased accordingly.

(4) Each unit of participation shall have a proportionately equal beneficial interest in the Fund, and none shall have priority or preference over any other. R.R.O. 1970, Reg. 570, s. 4.

LIMITATIONS ON PARTICIPATIONS

5.—(1) No money of any estate or trust shall be admitted to a Fund if as a result the estate or trust would then have an interest in the Fund in excess of 10 per cent of the book value of the assets of the Fund.

(2) In applying the limitation contained in this section, if two or more trusts are created by the same settlor or settlors and as much as one-half of the income or principal or both of each trust is payable or applicable to the use of the same person or persons, such trusts shall be considered as one. R.R.O. 1970, Reg. 570, s. 5.

ADMISSIONS AND WITHDRAWALS OF PARTICIPATIONS

6.—(1) No trust moneys shall be admitted to and no participation shall be withdrawn from a Fund except on the basis of the trust company's valuation of the Fund and except as of a valuation date.

(2) A period not in excess of fourteen business days of the trust company following a valuation date may be used to make the computations necessary to determine the value of the Fund and of the units thereof.

(3) When a participation or any part thereof is withdrawn from a Fund, the amount withdrawn may, in the discretion of the trust company, be paid in cash or rateably in kind, or partly in cash and partly rateably in kind, but all payments or transfers as of any one valuation date shall be made on the same basis.

(4) No admission of trust moneys to or withdrawal of a participation from a Fund shall be permitted if the result would be that less than 40 per cent of the remaining assets of the Fund would be composed of cash and readily marketable securities, but nothing herein contained shall be deemed to prohibit a rateable distribution upon all participations.

(5) Where any security held in a Fund has become one that would not be eligible as a new investment of the Fund, and that state of ineligibility has continued for a period of six months, no further admissions to or, except for the purposes of this

subsection, withdrawals from, the Fund shall be permitted until after the security has again become so eligible or has been eliminated from the Fund either through sale, distribution in kind or segregation in a liquidation account for the benefit rateably of all trusts and estates then participating in the Fund.

(6) No participation shall be withdrawn in part only unless the amount so withdrawn is equal to the then value of one or more full units. R.R.O. 1970, Reg. 570, s. 6.

PARTICIPATION REGISTER

7. A register shall be maintained for each Fund, showing with respect to each participant,

- (a) the date of each admission of trust moneys to the fund, the number of units allotted and the value at which each unit is allotted;
- (b) the date of each withdrawal, the number of units redeemed, and the amount paid on redemption to the participant;
- (c) the number of units currently held; and
- (d) the share in any liquidating account. R.R.O. 1970, Reg. 570, s. 7.

PARTICIPATION CERTIFICATES

8. Participations in a Fund may be evidenced by certificates, but no trust company maintaining a Fund shall issue any document evidencing a direct or indirect interest therein in any form that purports to be negotiable or assignable. R.R.O. 1970, Reg. 570, s. 8.

VALUATIONS

9.—(1) Not less frequently than once during each period of three months, the trust company shall determine the value of each Fund that it maintains and of the units of participation thereof.

(2) In the valuation of the investments of a Fund, the following rules shall be observed:

1. Securities listed on any stock exchange shall be valued at their closing sale prices on the valuation date, but, if no sale of a particular security has been reported for that day, the last published sale price or the average of the last recorded bid and asked prices, whichever is the more recent, shall be used, unless, in the opinion of the trust company, the value thus obtained may not fairly indicate the actual market value, in which case the trust company shall obtain from two members of the Stock Exchange a written estimate of the value of such security as of the valuation date, and shall use the average of such estimates.

2. Securities not listed on any stock exchange, except mortgages, shall be valued as of the valuation date either by taking the average between the most recently published bid and asked prices or by taking the average of quotations from two recognized dealers in the securities.
3. For the purposes of paragraphs 1 and 2, the trust company may rely, as sufficient evidence, upon reports of sale and bid prices and over the counter quotations, published in any newspaper of general circulation in the City of Toronto or in any recognized financial journal or report or quotation service or in the records of a stock exchange.
4. In respect of investments in mortgages, the trust company shall from time to time obtain a written appraisal as to the value of each mortgage and of the real estate securing the mortgage, but such appraisal shall be made by a registered real estate broker or other person, who may be an employee of the trust company, whom the company believes to be qualified to appraise real estate values in the vicinity in which such real estate is situated, and an appraisal may be used only for valuations made within the period of thirty calendar months next following the dates of the appraisal.
5. In respect of a stock where a dividend has been declared but has not been paid and the amount of such dividend has been considered as income under the provisions of the plan of operation of the Fund, the amount of such dividend shall be deducted from the price of the stock in determining its value unless such price is an ex-dividend price.
6. An investment purchased and awaiting payment against delivery shall be included for valuation purposes as a security held, and the cash accounts shall be adjusted by the deduction of the purchase price, including brokers' commissions and other expenses of the purchase.
7. An investment sold but not delivered pending receipt of proceeds shall be valued at the net sales price after deducting brokers' commissions and other expenses. R.R.O. 1970, Reg. 570, s. 9.

DISTRIBUTIONS OF INCOME

10.—(1) The income of a Fund and the apportionment thereof shall be determined at each valuation date.

(2) The income shall be distributed to participants not less frequently than quarter-yearly.

(3) For purposes of distribution to participants, the income may be computed, at the option of the trust company, either on the basis of income accrued or on the basis of income actually received.

(4) To facilitate the distribution of accrued but uncollected income, the cash principal of a Fund may be used to the extent necessary. R.R.O. 1970, Reg. 570, s. 10.

INVESTMENTS

11.—(1) The investments of a Fund shall be kept separate from the trust company's own property, and each investment shall be so earmarked in the books of the company as to show clearly the Fund to which it belongs, but any moneys of the Fund awaiting investment or distribution may be held on deposit in the savings department of the trust company subject to payment thereon by the company of interest computed at the current rate and in the same manner as in the case of ordinary deposits.

(2) The total investment of a Fund in,

- (a) guaranteed investment certificates of any trust company;
- (b) debentures of any loan company; or
- (c) bonds of, or guaranteed by, any municipal corporation,

shall not exceed in each case 10 per cent of the book value of the Fund.

(3) The total investment of the Fund in securities of or guaranteed by any one person, other than the obligations referred to in subsection (2), shall not exceed 5 per cent of the book value of the Fund.

(4) Subsections (2) and (3) do not apply to investments in obligations of or guaranteed by,

- (a) the Government of Canada; or
- (b) the government of any province of Canada.

(5) The total number of shares held by a Fund in any one class of shares of stock of any one corporation shall not exceed 5 per cent of the number of such shares outstanding, and, if the trust company maintains more than one Fund, no investment shall be made that would cause the aggregate investment for all the Funds in any one class of shares of stock of any one corporation to exceed such limitation.

(6) Not less than 40 per cent of the value of the assets in a Fund shall be maintained in cash and readily marketable securities. R.R.O. 1970, Reg. 570, s. 11.

ACCOUNTING RECORDS

12. A complete set of accounting records shall be maintained for each Fund, and such records shall clearly distinguish items of principal from items of income. R.R.O. 1970, Reg. 570, s. 12.

AUDIT

13.—(1) The trust company shall, at least once during each period of twelve months, cause an audit of each of its Funds to be made by a qualified accountant or accountants approved for such purpose by the Registrar.

(2) The report of the audit shall include a list of the investments comprising each Fund at the end of the period covered by the audit, the book value thereof as at the end of the period covered by the audit, a statement of purchases, sales and any other investment changes and of revenue and disbursements since the last audit, and appropriate comments as to any investments in default as to payment of principal and interest.

(3) The reasonable expenses of an audit made by an independent accountant or accountants shall be paid out of the Fund and charged to principal and income in such proportion as the trust company deems proper.

(4) The trust company shall file a copy of the report of the audit with the Registrar.

(5) The trust company shall, without charge, send a copy of the report of audit to any co-trustee of a participant, and shall also without charge, upon request, send a copy of the report to any beneficiary of a participant. R.R.O. 1970, Reg. 570, s. 13.

INSPECTION OF RECORDS

14. The register of participations and all accounting records pertaining to a Fund for the period after that covered by the last accounts passed by a court shall be open to inspection during the regular business hours of the trust company on the eighth, ninth and tenth business days of the company next following any valuation date, by any co-trustee or beneficiary of a participant. R.R.O. 1970, Reg. 570, s. 14.

ADMINISTRATION FEES AND EXPENSES

15.—(1) A Fund shall be deemed not to be a separate trust fund on which commissions or other compensation is allowable, and no trust company maintaining a Fund shall make any charge against it for the management thereof nor pay a fee, commission or compensation out of the Fund for management but may reimburse itself out of a Fund for all reasonable expenses incurred by it in the administration of the Fund.

(2) In any trust or estate that has moneys participating in a Fund, the trust company is entitled to the management fee or other compensation to which it would otherwise be entitled in respect of such moneys. R.R.O. 1970, Reg. 570, s. 15.

PUBLICITY

16. In soliciting business or otherwise a trust company shall not advertise or publicize the earnings realized on a Fund or the value of the assets thereof, except as is permitted or required under this Regulation. R.R.O. 1970, Reg. 570, s. 16.

TERMINATION OF A FUND

17.—(1) A trust company may in its discretion terminate and distribute a Fund as of any valuation date.

(2) The Registrar may, by written notice to the trust company, direct the termination and distribution of any Fund within such time as shall be specified in the notice. R.R.O. 1970, Reg. 570, s. 17.

REGULATION 590

under the Loan and Trust Corporations Act

FINANCIAL STANDARDS—LOAN CORPORATIONS

1. In this Regulation "residential property" means property used exclusively as a dwelling, or multiple purpose property where the area of rentable space used for other than dwelling purposes does not exceed 20 per cent of the total rentable space. O. Reg. 116/76, s. 1.

2. For the purposes of subsection 109 (1) of the Act, the following financial standards are prescribed:

1. Not less than 75 per cent of the book value of the unencumbered assets of the loan corporation shall consist of,

i. cash on hand or on deposit in a chartered bank, a registered trust or loan corporation that is not an associated company as defined in subsection 185 (4) of the Act, or other depository approved by the Registrar,

ii. evidences of indebtedness issued or guaranteed by a chartered bank or a registered trust or loan corporation that is not an associated company as defined in subsection 185 (4) of the Act, and that are payable or callable at the option of the holder within a period not exceeding five years,

iii. bonds, debentures or other evidences of indebtedness of or guaranteed by the government of Canada, any province thereof, or any municipality or school corporation in Canada,

iv. mortgages, charges or hypothecs upon improved real estate or leaseholds as authorized by clause 178 (1) (b) of the Act,

v. mortgages, charges or hypothecs upon improved real estate or leaseholds as authorized by clauses 178 (1) (a) and (c) of the Act, where the security for the loan is residential property,

vi. bonds, debentures or other evidences of indebtedness of a company that

are payable on demand or mature within one year, where,

A. the aggregate book value of such bonds, debentures or other evidences of indebtedness does not exceed 10 per cent of the book value of the total assets of the loan corporation,

B. the aggregate book value of such bonds, debentures or other evidences of indebtedness issued by a single company or by companies that to the knowledge of the loan corporation are associated companies as defined in subsection 185 (4) of the Act does not exceed 2 per cent of the book value of the total assets of the loan corporation, and

C. such bonds, debentures or other evidences of indebtedness are and continue to be eligible investments under section 178 of the Act and are issued by a company incorporated in Canada,

vii. loans that are fully secured by a class of asset referred to in subparagraphs i, ii and iii and that are payable on demand or within one year, and

viii. loans that are,

A. fully secured by a class of asset referred to in subparagraph vi, and

B. payable on demand or within one year, but the total of the amounts included under this subparagraph and subparagraph vi shall not exceed 10 per cent of the book value of the total assets of the loan corporation.

2. The aggregate of,

i. unencumbered cash on hand or on deposit in a chartered bank, a

registered trust or loan corporation that is not an associated company as defined in subsection 185 (4) of the Act, or other depository approved by the Registrar,

- ii. principal repayments anticipated during the ensuing twelve months on investments including loans, other than mortgage loans, that by their terms require a periodic payment of principal and interest,
- iii. demand loans due from investment dealers and stock brokers,
- iv. 10 per cent of the book value of mortgages, charges or hypothecs upon improved real estate or leaseholds, or such other amount that can be established to the satisfaction of the Registrar,
- v. the market value of the unencumbered debentures, bonds or other securities, other than mortgages, of or guaranteed by the government of Canada or any province thereof to the extent that such securities are not required to enable the corporation to comply with the provisions of paragraph 3,
- vi. the maturity value of unencumbered investments maturing within one year other than those included in subparagraphs i to v,
- vii. the net income anticipated for the following twelve months to the extent that it can be established to the satisfaction of the Registrar, and
- viii. 25 per cent of the anticipated growth in deposits and debentures, provided that the planned year-end position will be in compliance with the Act and can be established to the satisfaction of the Registrar,

shall at all times be greater than the sum of,

- ix. 80 per cent of the unadvanced portion of all mortgage commitments to be funded during the following twelve months less the amount that another lender has agreed to assume during that period in respect of such commitments, and

- x. 40 per cent of the total amount of all evidences of indebtedness issued by the loan corporation that,

- A. will become payable on a fixed date during the following twelve months, or
- B. under the terms of which, payment may be demanded by the holder during that period.

- 3. A loan corporation shall at all times maintain unencumbered,

- i. cash on hand or on deposit in a chartered bank, a registered trust or loan corporation that is not an associated company as defined in subsection 185 (4) of the Act, or other depository approved by the Registrar that is payable on demand or matures within one year,
- ii. evidences of indebtedness issued or guaranteed by a chartered bank or a registered trust or loan corporation that is not an associated company as defined in subsection 185 (4) of the Act, and that are payable or callable at the option of the holder within a period not exceeding five years,
- iii. bonds, debentures or other evidences of indebtedness, excluding mortgages, of or guaranteed by the government of Canada, or any province thereof,
- iv. bonds, debentures or other evidences of indebtedness of a company that are payable on demand or mature within one year,
- v. with the approval of the Registrar, stocks of a company that are redeemable for cash within one year, and
- vi. loans other than mortgages, that are payable on demand and that are fully secured by a class of asset referred to in subparagraphs i to v,

to an aggregate market value not less than 40 per cent of the first \$100,000,000 of the total indebtedness of the loan corporation that is payable on demand or matures within thirty days or is callable by the holder on notice of not more than

thirty days, plus 20 per cent of any such indebtedness in excess of \$100,000,000.

4. The market value of the loan corporation's investment in the bonds, debentures or other evidences of indebtedness of or guaranteed by the government of Canada or any province thereof that have been used to meet the requirements of paragraph 2 or 3 shall not be less than the book value of such investments by more than 10 per cent of the excess of the loan corporation's assets over its liabilities, including subordinated notes.

5. The income of the loan corporation during four of the preceding five years, including the last two years, that is available for payment of a dividend on its common shares shall be at least 6 per cent of the average value of the common shareholders' equity during each year and for the purposes of this paragraph, average shall mean the result of dividing by two the aggregate of the common shareholders' equity at the beginning and end of each year. O. Reg. 116/76, s. 2.

REGULATION 591

under the Loan and Trust Corporations Act

FINANCIAL STANDARDS—TRUST COMPANIES

1. In this Regulation "residential property" means property used exclusively as a dwelling, or multiple purpose property where the area of rentable space used for other than dwelling purposes does not exceed 20 per cent of the total rentable space. O. Reg. 115/76, s. 1.

2. For the purposes of subsection 118 (1) of the Act, the following financial standards are prescribed:

1. Not less than 75 per cent of the book value of the unencumbered assets of the trust company's own funds and the guaranteed trust money held by it shall consist of,
 - i. cash on hand or on deposit in a chartered bank, a registered trust or loan corporation that is not an associated company as defined in subsection 185 (4) of the Act, or other depository approved by the Registrar,
 - ii. evidences of indebtedness issued or guaranteed by a chartered bank or a registered trust or loan corporation that is not an associated company as defined in subsection 185 (4) of the Act, and that are payable or callable at the option of the holder within a period not exceeding five years,
 - iii. bonds, debentures or other evidences of indebtedness of or guaranteed by the government of Canada, any province thereof, or any municipality or school corporation in Canada,
 - iv. mortgages, charges or hypothecs upon improved real estate or leaseholds as authorized by clause 178 (1) (b) of the Act,
 - v. mortgages, charges or hypothecs upon improved real estate or leaseholds as authorized by clauses 178 (1) (a) and (c) of the Act, where the security for the loan is residential property,
 - vi. bonds, debentures or other evidences of indebtedness of a company that are payable on demand or mature within one year, where,
 - A. the aggregate book value of such bonds, debentures or other evidences of indebtedness does not exceed 10 per cent of the book value of the total assets of the trust company's own funds and the guaranteed trust money held by it,
 - B. the aggregate book value of such bonds, debentures or other evidences of indebtedness issued by a single company or by companies that to the knowledge of the trust company are associated companies as defined in subsection 185 (4) of the Act does not exceed 2 per cent of the book value of the total assets of the trust company's own funds and the guaranteed trust money held by it, and
 - C. such bonds, debentures or other evidences of indebtedness are and continue to be eligible investments under section 178 of the Act and are issued by a company incorporated in Canada,
 - vii. loans that are fully secured by a class of asset referred to in subparagraphs i, ii and iii and that are payable on demand or within one year, and
 - viii. loans that are,
 - A. fully secured by a class of asset referred to in subparagraph vi, and
 - B. payable on demand or within one year, but the total of the amounts included under this subparagraph and subparagraph vi shall not exceed 10 per cent of the book

value of the total assets of the trust company's own funds and the guaranteed trust money held by it.

2. The aggregate of,

- i. unencumbered cash on hand or on deposit in a chartered bank, a registered trust or loan corporation that is not an associated company as defined in subsection 185 (4) of the Act, or other depository approved by the Registrar,
 - ii. principal repayments anticipated during the ensuing twelve months on investments including loans, other than mortgage loans, that by their terms require a periodic payment of principal and interest,
 - iii. demand loans due from investment dealers and stock brokers,
 - iv. 10 per cent of the book value of mortgages, charges or hypothecs upon improved real estate or leaseholds, or such other amount that can be established to the satisfaction of the Registrar,
 - v. the market value of the unencumbered debentures, bonds or other securities, other than mortgages, of or guaranteed by the government of Canada or any province thereof to the extent that such securities are not required to enable the company to comply with the provisions of paragraph 3,
 - vi. the maturity value of unencumbered investments maturing within one year other than those included in subparagraphs i to v,
 - vii. the net income anticipated for the following twelve months to the extent that it can be established to the satisfaction of the Registrar, and
 - viii. 25 per cent of the anticipated growth in the guaranteed account, provided that the planned year-end position will be in compliance with the Act and can be established to the satisfaction of the Registrar,
- shall at all times be greater than the sum of,
- ix. 80 per cent of the unadvanced portion of all mortgage commitments to be funded during the following twelve months less the amount that another lender has agreed to assume during that period in respect of such commitments, and
 - x. 40 per cent of the total amount of all evidences of indebtedness issued by the trust company, including funds accepted for guaranteed investment under section 116 of the Act, that,
 - A. will become payable on a fixed date during the following twelve months, or
 - B. under the terms of which, payment may be demanded by the holder during that period.
3. A trust company shall at all times maintain unencumbered,
- i. cash on hand or on deposit in a chartered bank, a registered trust or loan corporation that is not an associated company as defined in subsection 185 (4) of the Act, or other depository approved by the Registrar that is payable on demand or matures within one year,
 - ii. evidences of indebtedness issued or guaranteed by a chartered bank or a registered trust or loan corporation that is not an associated company as defined in subsection 185 (4) of the Act, and that are payable or callable at the option of the holder within a period not exceeding five years,
 - iii. bonds, debentures or other evidences of indebtedness, excluding mortgages, of or guaranteed by the government of Canada, or any province thereof,
 - iv. bonds, debentures or other evidences of indebtedness of a company that are payable on demand or mature within one year,
 - v. with the approval of the Registrar, stocks of a company that are redeemable for cash within one year, and

- vi. loans other than mortgages, that are payable on demand and that are fully secured by a class of asset referred to in subparagraphs i to v,

to an aggregate market value not less than 40 per cent of the first \$100,000,000 of the total indebtedness of the trust company that is payable on demand or matures within thirty days or is callable by the holder on notice of not more than thirty days, plus 20 per cent of any such indebtedness in excess of \$100,000,000.

- 4. The market value of the trust company's investment in the bonds, debentures or other evidences of indebtedness of or guaranteed by the government of Canada

or any province thereof that have been used to meet the requirements of paragraph 2 or 3 shall not be less than the book value of such investments by more than 10 per cent of the excess of the trust company's assets over its liabilities, including subordinated notes.

- 5. The income of the trust company during four of the preceding five years, including the last two years, that is available for payment of a dividend on its common shares shall be at least 6 per cent of the average value of the common shareholders' equity during each year and for the purposes of this paragraph, average shall mean the result of dividing by two the aggregate of the common shareholders' equity at the beginning and end of each year. O. Reg. 115/76, s. 2.

REGULATION 592

under the Loan and Trust Corporations Act

FINANCIAL STATEMENTS

INTERPRETATION

1.—(1) In this Regulation,

- (a) “affiliated company” means an affiliated body corporate within the meaning of clause (2) (c);
- (b) “affiliated corporation” means an affiliated loan corporation or affiliated trust company within the meaning of clause (2) (c);
- (c) “financial statement” means a financial statement required under section 101 of the Act;
- (d) “officer” means the President, any Vice President, Secretary, Treasurer, Comptroller, General Manager or Manager of a provincial corporation;
- (e) “security” means any share of any class of shares or any debt obligation of a body corporate;
- (f) “subsidiary company” is a subsidiary body corporate within the meaning of clause (2) (c);
- (g) “subsidiary corporation” is a subsidiary loan corporation or subsidiary trust company within the meaning of clause (2) (c);
- (h) “substantial shareholder” means a shareholder as defined in clause 191 (3) (b) of the Act.

(2) For the purposes of this Regulation,

- (a) a body corporate shall be deemed to be a subsidiary of another body corporate if,
 - (i) it is controlled by,
 - (A) that other body corporate, or
 - (B) that other body corporate and one or more bodies corporate, each of which is controlled by that other body corporate, or
 - (C) two or more bodies corporate, each of which is controlled by that other body corporate, or

- (ii) it is a subsidiary of a body corporate that is a subsidiary of that other body corporate;

- (b) a body corporate shall be deemed to be another's holding body corporate if that other body corporate is its subsidiary;
- (c) one body corporate shall be deemed to be affiliated with another body corporate if one of them is a subsidiary of the other or both of them are subsidiaries of the same body corporate or each of them is controlled by the same person;
- (d) a body corporate shall be deemed to be controlled by another person or by two or more bodies corporate if,
 - (i) shares of the first-mentioned body corporate carrying more than 50 per cent of the votes for the election of directors are held, other than by way of security only, by or for the benefit of such other person or by or for the benefit of such other bodies corporate, and
 - (ii) the votes carried by such shares are sufficient, if exercised, to elect a majority of the board of directors of the first-mentioned body corporate;
- (e) a provision is an estimated amount which, having been charged as an expense, is set aside to provide for an expense, loss or diminution in value of an asset;

- (f) reserve shall be used in a financial statement only to describe,

- (i) amounts appropriated from retained earnings at the discretion of management for some purpose other than to meet a liability or contingency known or admitted, or a commitment made as at the statement date, or a decline in value of an asset that has already occurred,
 - (ii) amounts appropriated from retained earnings pursuant to the articles or by-laws of the provincial corporation for some purpose other than to meet a liability or contingency known or admitted, or a commitment made

as at the statement date, or a decline in value of an asset that has already occurred,

(iii) amounts appropriated from retained earnings in accordance with the terms of a contract and that can be restored to the retained earnings when the conditions of the contract are fulfilled, and

(iv) contributed surplus or premiums arising from issue of shares or the reorganization of the provincial corporation's capital. O. Reg. 38/72, s. 1.

INCOME STATEMENT

2.—(1) Every Income Statement to be laid before an annual meeting of shareholders of a provincial corporation shall be drawn up to present fairly the results of the operations of the corporation for the period covered by the statement and shall show severally at least,

- (a) revenue from mortgages, showing separately interest earned on mortgages and other revenue, if any;
- (b) revenue from investments in subsidiaries whose financial statements are not consolidated with those of the corporation;
- (c) revenue from investments in affiliated corporations or companies other than subsidiaries;
- (d) revenue from investments in securities other than those set out in clause (a), (b) or (c);
- (e) revenue from collateral loans;
- (f) revenue from consumer loans;
- (g) fees and commissions from estates, trusts and agencies;
- (h) commissions from real estate sales after deductions of commissions paid to other real estate brokers;
- (i) revenue from real estate held for investment and for sale less depreciation, property taxes and all other operating expenses, including any rental charge on property owned by the corporation and occupied for its own use;
- (j) operating revenue other than revenue referred to in clauses (a) to (i);
- (k) interest expense on moneys received for guaranteed investment, savings or other deposits, debentures, notes, certificates or indebtedness and bank or other borrowings;

(l) salaries, pension contributions and other staff benefits;

(m) the aggregate direct remuneration paid or payable to the directors and officers;

(n) operating expenses of property held for the corporation's own use including depreciation and amortization of fixed assets and leasehold improvements and any rental charge on property owned by the corporation and occupied for its own use;

(o) operating expenses other than expenses referred to in clauses (k) to (n);

(p) amounts written off as amortization of any intangible assets and the amount written off for good will to the extent that it is not shown separately in the statement of retained earnings;

(q) income before taxes, investment gains or losses, and extraordinary items;

(r) investment gains or losses, including any provision for losses;

(s) income after gains or losses on investments;

(t) taxes on income, indicating the amount, if any, by which income taxes otherwise payable have been reduced or increased by claiming amounts for income tax purposes different from the amounts recorded in the Income Statement;

(u) the net income or loss for the period before extraordinary items;

(v) extraordinary items of a significant amount, including profits or losses on the disposal of capital assets or other items of a special nature to the extent that they are not shown separately in the statement of retained earnings, less related income taxes, if any; and

(w) net income for the period.

(2) Notwithstanding the provisions of subsection (1), any item of revenue or expense may be combined with another item if the amount is insignificant or not material and any item required by clause (1) (m), (p) or (t), and depreciation and amortization referred to in clause (1) (n), may be shown by way of a note to the financial statement. O. Reg. 38/72, s. 2.

STATEMENT OF RETAINED EARNINGS

3. Every statement of retained earnings to be laid before an annual meeting of shareholders of a provincial corporation shall be drawn up so as to show severally at least,

- (a) the balance of such retained earnings at the end of the preceding financial period;
- (b) the additions to and deductions from such retained earnings during the financial period showing at least,
 - (i) the income or loss for the period,
 - (ii) the dividends declared on each class of shares, and
 - (iii) the amounts transferred to or from reserves; and
- (c) the balance of such retained earnings at the end of the financial period. O. Reg. 38/72, s. 3.

STATEMENT OF GENERAL RESERVE

4. Every statement of general reserve to be laid before an annual meeting of shareholders of a provincial corporation shall be drawn up so as to show severally,

- (a) the balance at the end of the preceding financial period;
- (b) the additions to or deductions from the reserve during the financial period including,
 - (i) the premium arising from issue of shares or the reorganization of the corporation's capital, and
 - (ii) amounts transferred to or from retained earnings; and
- (c) the balance at the end of the financial period. O. Reg. 38/72, s. 4.

STATEMENT OF ACCUMULATED RESERVES
FOR INVESTMENTS

5.—(1) Every statement of accumulated reserves for investments to be laid before an annual meeting of shareholders of a provincial corporation shall be drawn up so as to show severally,

- (a) accumulated reserves at the end of the preceding financial period, indicating the portion, if any, on which all income taxes exigible have not been provided for;
- (b) transfers to or from retained earnings; and
- (c) accumulated reserves for investments at the end of the financial period, indicating the portion, if any, on which all income taxes exigible have not been provided for.

(2) The statement of general reserve and the statement of accumulated reserves for investments may be presented as one statement. O. Reg. 38/72, s. 5.

BALANCE SHEET

6.—(1) Every balance sheet to be laid before an annual meeting of shareholders of a provincial corporation shall be drawn up to present fairly the financial position of the corporation as at the date to which it is made up and to show severally at least,

- 1. cash;
- 2. securities, showing severally at least,
 - i. securities issued or guaranteed by Canada and provinces of Canada, stating the basis of valuation,
 - ii. other bonds, debentures and like securities not in default, stating the basis of valuation,
 - iii. shares other than shares referred to in subparagraphs iv and v, stating the basis of valuation,
 - iv. securities of subsidiaries whose financial statements are not consolidated with those of the corporation, stating the basis of valuation,
 - v. securities of affiliated corporations or companies other than subsidiaries, stating the basis of valuation,

showing in each category the aggregate market value;

- 3. notwithstanding the provisions of section 191 of the Act, the amount due to the corporation, from individuals or bodies corporate whether on account of a loan or otherwise, except debts of reasonable amounts arising in the ordinary course of business that are not overdue having regards to its ordinary terms of credit;
- 4. the aggregate amount of any outstanding loans made under section 127 of the Act;
- 5. the amounts owing to the corporation, whether on account of a loan or otherwise, from subsidiaries whose financial statements are not consolidated with those of the corporation;
- 6. investment income due and accrued if not included with investments;
- 7. fees receivable from estates, trusts and agencies;
- 8. loans on collateral securities;

9. consumer loans;
10. advances to estates, trusts and agencies;
11. mortgage loans stating the basis of valuation, less allowance for specific loans which are doubtful of collection, or have permanently declined in value;
12. office premises, equipment and leasehold improvements, stating the basis of valuation and if valued on the basis of an appraisal, the date of appraisal, the name of the appraiser, the basis of the appraisal value and if such appraisal took place within five years preceding the date to which the balance sheet is made up, the disposition in the accounts of the corporation of any amounts added to or deducted from such assets on appraisal;
13. the amounts of the accumulated allowance for depreciation, obsolescence and depletion deducted from the assets referred to in paragraph 12;
14. real estate not used or not primarily used in the corporation's business, stating the basis of valuation;
15. other assets, stating under separate headings those of significant amount;
16. deposit liabilities, segregating those repayable upon demand or after notice and those repayable at fixed maturities;
17. debentures, bonds and other like securities issued by a loan corporation, segregating those repayable upon demand or after notice and those repayable at fixed maturities;
18. moneys received for guaranteed investment by a trust company, segregating those repayable upon demand or after notice and those repayable at fixed maturities;
19. interest due and accrued on deposits, debentures or guaranteed certificates, if not included with the appropriate liability;
20. bank loans and overdrafts including interest due and accrued thereon;
21. borrowed money including interest due and accrued;
22. liability for current income and other taxes;
23. dividends declared but not paid;
24. deferred income;
25. the amounts owing by the corporation on loans from its directors, officers or shareholders, excluding reasonable amounts arising in the ordinary course of business that are not overdue having regard to ordinary terms of credit and excluding amounts owing on savings deposits, debentures and on guaranteed investment certificates in the ordinary course of business;
26. the amounts owing by the corporation, whether on account of loan or otherwise, to subsidiaries whose financial statements are not consolidated with those of the corporation, including amounts owing on savings deposits, guaranteed investment certificates and like obligations;
27. the amounts owing by the corporation, whether on account of a loan or otherwise, to affiliated corporations or companies other than subsidiaries, including amounts owing on savings deposits, guaranteed investment certificates and like obligations;
28. other amounts owing by the corporation, segregating those that arose otherwise than in the ordinary course of business;
29. deferred income taxes;
30. the authorized capital, giving the number of each class of shares, and a brief description of each such class and indicating therein any class of shares that is redeemable and the redemption price thereof;
31. the issued capital, giving the number of shares of each class issued and outstanding and the amount received therefor that is attributable to capital and showing,
 - i. the number of shares of each class issued since the date of the last balance sheet and the value attributed thereto, distinguishing shares issued for cash and shares issued for other consideration, and
 - ii. where any shares issued have not been fully paid,
 - A. the number of shares in respect of which calls have not been made and the aggregate amount that has not been called, and
 - B. the number of shares in respect of which calls have been made and not paid and the aggregate amount that has been called and not paid;

- 32. general reserve;
- 33. accumulated reserves for investments; and
- 34. retained earnings.

(2) Explanatory information or particulars of any item may be shown by way of note to the financial statement in addition to the requirements of subsection (1). O. Reg. 38/72, s. 6.

NOTES TO FINANCIAL STATEMENT

7.—(1) Where applicable, the following matters shall be referred to in the financial statement of a provincial corporation or by way of note thereto,

- (a) particulars of any change in accounting principles or practice or in the method of applying any accounting principle or practice made during the period covered that affects the comparability of any of the statements with any of those of the preceding period, and the effect, if material, of any such change upon the profit or loss for the period;
- (b) contractual obligations that will require abnormal expenditures in relation to the corporation's normal business requirements or financial position or that might involve losses not provided for in the accounts;
- (c) contractual obligations in respect of long term leases, including, in the year in which the transaction was effected, the principal details of any sale and lease-back transaction;
- (d) contingent liabilities, stating their nature and where practicable, the approximate amounts involved;
- (e) where the corporation has contracted to issue shares or has given an option to purchase shares, the class and number of shares affected, the price and the date of issue of the shares or exercise of the option;
- (f) the aggregate direct remuneration of directors and officers of the corporation from subsidiaries whose financial statements are not consolidated with those of the corporation;
- (g) the amount of any unfunded obligation for pension benefits arising from service prior to the date of the balance sheet indicating whether or not such obligation has been provided for in the accounts of the corporation, the manner in which the corporation proposes to satisfy such obligation and the basis on which it has charged or proposes to charge the related costs against operations;
- (h) any event or transaction, other than one in the normal course of business operations, between the date to which the financial statement is made up and the date of the auditors' report thereon that materially affects the financial statement;
- (i) the amount of any loans made at any time during the corporation's fiscal period by the corporation or a subsidiary corporation or company to individuals or bodies corporate, or investments made in bodies corporate, contrary to the provisions of section 191 of the Act;
- (j) the basis of conversion of amounts from currencies other than the currency in which the financial statement is expressed;
- (k) foreign currency restrictions that affect the assets of the corporation;
- (l) any liability secured otherwise than by operation of law on any asset of the corporation, stating the liability so secured;
- (m) any default of the corporation in principal, interest, sinking fund or redemption provisions with respect to any issue of its debt obligations;
- (n) the gross amount of arrears of dividends on any class of shares and the date to which such dividends were last paid;
- (o) any restriction by the articles or by-laws of the corporation or by contract on the payment of dividends that is significant in the light of the corporation's financial position;
- (p) if the corporation has shares which are not fully paid, particulars of any by-law, call or other arrangement, whereby the full payment of the shares will be effected;
- (q) the total amount of surplus contributed by shareholders as at the date of the balance sheet where such amount is readily ascertainable;
- (r) particulars in summary form of those assets held in trust and earmarked and set aside with respect to moneys received for guaranteed investment.

(2) For the purpose of clause (1) (a), a change in accounting principle or practice affects the comparability of a statement with that of the preceding period, even though the change did not have a material effect upon the profit or loss for the period.

O. Reg. 38/72, s. 7.

8.—(1) A holding corporation that is a provincial corporation may include in the financial statement

to be submitted at an annual meeting, the assets and liabilities and revenue and expense of any one or more of its subsidiaries, making due provision for minority interests, if any, and indicating in such financial statement that it is presented in consolidated form.

(2) Where the assets and liabilities and revenue and expense of any one or more subsidiaries of the holding corporation are not included in the financial statement of the holding corporation the financial statement of the holding corporation shall include a statement setting forth,

- (a) the reason why the assets and liabilities and revenue and expense of such subsidiary or subsidiaries are not included in the financial statement of the holding corporation;
- (b) if there is only one such subsidiary, the amount of the holding corporation's proportion of the income or loss of the subsidiary for the financial period coinciding with or ending in the financial period of the holding corporation or if there is more than one such subsidiary, the amount of the holding corporation's proportion of the aggregate income less losses, or losses less income, of all the subsidiaries for the respective financial periods coinciding with or ending in the financial period of the holding corporation;
- (c) the amount included as revenue from such subsidiary or subsidiaries in the income statement of the holding corporation and the amount included therein as a provision for the loss or losses of the subsidiary or subsidiaries;
- (d) if there is only one such subsidiary, the amount of the holding corporation's proportion of the undistributed income of the subsidiary earned since the acquisition of the shares of the subsidiary by the holding corporation to the extent that such amount has not been taken into the accounts of the holding corporation or if there is more than one such subsidiary, the amount of the holding corporation's proportion of the aggregate undistributed income of all the subsidiaries earned since the acquisition of their shares by the holding corporation less its proportion of the losses, if any, suffered by any subsidiary since the acquisition of its shares to the extent that such amount has not been taken into the accounts of the holding corporation;
- (e) any qualifications contained in the report of the auditor of any such subsidiary on its financial statement for the financial period

ending in the same financial period as the statement to be submitted at the annual meeting referred to in subsection (1) and any note or reference contained in that financial statement to call attention to a matter that, apart from the note or reference, would properly have been referred to in such a qualification, insofar as the matter that is the subject of the qualification or note is not provided for by the corporation's own financial statement and is material from the point of view of its shareholders.

(3) If for any reason the directors of the holding corporation are unable to obtain such information as is necessary for the preparation of the statement referred to in subsection (2) that is to be included in the financial statement of the holding corporation, the directors who sign the financial statement shall so report in writing and their report shall be included in the financial statement in lieu of the statement.

(4) Notwithstanding the fact that the assets and liabilities and revenue and expense of any one or more subsidiaries of a holding corporation are included in the financial statement of the holding corporation, the Registrar or assistant registrar may require a holding corporation to submit to its shareholders the financial statement of such of the corporations or companies included in the consolidated financial statement as he considers desirable and in the public interest. O. Reg. 38/72, s. 8.

9. In each of the statements referred to in sections 2 to 8, the provincial corporation shall show in the case of each statement the corresponding amounts for the last preceding financial period of the corporation, if any, and with respect to the notes for the current year the corresponding amounts for the last preceding financial period, if any. O. Reg. 38/72, s. 9.

10. Notwithstanding the provisions of this Regulation, it is not necessary to state in a financial statement any matter that in all the circumstances is of relative insignificance. O. Reg. 38/72, s. 10.

11. A provincial corporation may apply to the Registrar or assistant registrar for permission to omit from the corporation's financial statement any information required by this Regulation, and the Registrar may permit such omission on such terms and conditions as he may impose where he is satisfied that in the circumstances the disclosure of such information would be unduly detrimental to the interests of the corporation or contrary to the public interest. O. Reg. 38/72, s. 11.

REGULATION 593

under the Loan and Trust Corporations Act

LOAN CORPORATIONS SPECIAL SHARES— INVESTMENT

INTERPRETATION

1.—(1) In this Regulation,

- (a) “ancillary business corporation” means a company wherever incorporated to carry on any business activity, other than a business activity referred to in clause 180 (a), (b), (c) or (d) of the Act, that is reasonably ancillary to the business of a loan corporation;
- (b) “annual statement” means the return required by subsection 196 (1) of the Act;
- (c) “equity share” means a share of any class of shares of a corporation or company to which are attached voting rights exercisable under all circumstances and a share of any class of shares to which are attached voting rights by reason of the occurrence of any contingency that has occurred and is continuing;
- (d) “foreign loan corporation” means any corporation incorporated outside Canada to exercise the powers that a loan corporation incorporated in Ontario possesses;
- (e) “mutual fund corporation” means a company that offers public participation in an investment portfolio through the issue of one or more classes of mutual fund shares;
- (f) “mutual fund sales or management corporation” means a company incorporated to provide a mutual fund corporation with advisory, management or sales distribution services; and
- (g) “real estate corporation” means a company incorporated to acquire, hold, maintain, improve, lease or manage real estate or leaseholds or act as agent or broker in the sale or purchase of real estate or leaseholds.

(2) For the purposes of this Regulation, a loan corporation shall be deemed to control a corporation or company if the loan corporation owns shares of the corporation or company carrying more than 50 per cent of the votes for the election of directors, other than by way of security only or owns, directly

or indirectly, more than 50 per cent of the total number of issued and outstanding common shares of the corporation or company. O. Reg. 435/72, s. 1.

FOREIGN LOAN CORPORATION SHARES

2.—(1) In this section,

- (a) “amortized value” when used in relation to the value of a redeemable security at any date after purchase, means a value so determined that if the security were purchased at that date and at that value, the yield would be the same as the yield with reference to the original purchase price; and
- (b) “redeemable security” means a security being for a fixed term and redeemable at the end of that term at a specified value.

(2) For the purposes of clause (3) (f), except for an investment or loan, the assets of a foreign loan corporation shall not include any asset that if owned by the loan corporation would not be admitted as an asset in its annual statement and the total value of the securities included in the assets of the foreign loan corporation shall not exceed,

- (a) in the case of redeemable securities not in default, issued or guaranteed by the Government of Canada, the government of any province of Canada, the Government of the United Kingdom or the Government of the United States, the total of their amortized value; and
- (b) in the case of other securities, the total of their market values.

(3) The terms and conditions under which a provincial loan corporation may, under clause 180 (a) of the Act, invest its funds in the fully paid shares of a foreign loan corporation are as follows,

- (a) subject to clause (b) the loan corporation shall not make or hold an investment in the shares of a foreign loan corporation unless it has control, or as a result of the investment will acquire control, of the corporation;
- (b) notwithstanding that it does not have control or would not as a result of the proposed investment acquire control of a

foreign loan corporation, the loan corporation may, with the approval of the Registrar, make or hold an investment in the shares of the corporation if the laws of the country or state in which the foreign loan corporation was incorporated do not permit the loan corporation to acquire control of the corporation;

(c) before an investment is made in the shares of a foreign loan corporation, or before a loan corporation makes application for the incorporation of a foreign loan corporation, the loan corporation shall furnish the Registrar with such information as he may require relating to the proposed investment and where the investment is in the shares of an existing corporation, the loan corporation shall file with the Registrar a certified copy of the instrument of incorporation, by-laws and most recent financial statement of the corporation;

(d) the loan corporation shall deposit with the Registrar, within two weeks after making an investment in the shares of a foreign loan corporation, an undertaking by the foreign loan corporation that, while the loan corporation holds an investment in its shares, the foreign loan corporation will,

- (i) provide the Registrar with copies of its financial statements and such other information concerning its financial condition and affairs as he may from time to time request,
- (ii) not carry on any business other than the business ordinarily carried on by a loan corporation,
- (iii) not make any investment that the loan corporation is prohibited from making by section 191 of the Act,
- (iv) not make or hold an investment in the shares of a loan corporation or of a corporation exercising powers substantially similar to the powers exercisable by a loan corporation, and
- (v) not acquire or hold, except with the approval of the Registrar, more than 20 per cent of the common shares of any corporation, including shares in the corporation held by the loan corporation or any corporation that the loan corporation controls;

(e) the loan corporation shall from time to time at the request of the Registrar submit such information as the Registrar may require as evidence that a foreign loan corporation is complying with the undertaking referred to in clause (d); and

(f) the common shares of a foreign loan corporation owned by the loan corporation shall be taken into account in the annual statement of the loan corporation at a value not greater than the amount obtained by multiplying,

(i) an amount equal to the excess of the assets of the corporation over the total of the sum of its liabilities and its issued and paid in preferred shares,

by,

(ii) the proportion that the number of common shares of the corporation owned by the loan corporation bears to the total number of the issued and outstanding common shares of the corporation. O. Reg. 435/72, s. 2.

REAL ESTATE CORPORATION SHARES

3.—(1) For the purposes of clause (2) (d), the assets of the real estate corporation shall not include any asset, other than an investment referred to in sub-sub-clause (2) (b) (v) (A) or (B), that if owned by the loan corporation would not be admitted as an asset in its annual statement and the total value of any securities included in the assets of the real estate corporation shall not exceed the total of their market values.

(2) The terms and conditions under which a provincial loan corporation may, under clause 180 (b), invest its funds in the fully paid shares of a real estate corporation are as follows,

(a) before an investment is made in the shares of a real estate corporation or an application is made for incorporation of a real estate corporation by or on behalf of a loan corporation, the loan corporation shall furnish the Registrar with such information as he may require relating to the proposed investment and where the investment is in the shares of an existing corporation, the loan corporation shall also file with the Registrar a certified copy of the instrument of incorporation, by-laws and most recent financial statement of the corporation;

(b) the loan corporation shall deposit with the Registrar, within two weeks after making an investment in the shares of a real estate corporation, an undertaking by that corporation that, while the loan corporation holds an investment in its shares under clause 180 (b) of the Act, the corporation will,

- (i) provide the Registrar with copies of its financial statements and such other information concerning its financial condition and affairs as he may from time to time request and permit the Registrar or an authorized member of his staff to visit its head office and other offices at any time and examine its books, vouchers, securities and documents,
- (ii) limit its activities to acquiring, holding, maintaining, improving, leasing or managing real estate or leaseholds and to acting as agent or broker in the sale or purchase of real estate or leaseholds,
- (iii) procure, at the request of the Registrar and at its own expense, an appraisal by one or more competent valuers of any parcel of real estate or any leasehold owned by it,
- (iv) not make any investment that the loan corporation is prohibited from making by section 191 of the Act,
- (v) except for,
 - (A) investments in real estate or leaseholds, and
 - (B) investments in the shares of other real estate corporation,

restrict those investments or loans which it may be empowered to make, if any, to the same restrictions and conditions that such investments or loans would be subject to if made by a provincial loan corporation, and

- (vi) not make or hold an investment in more than 20 per cent of the common shares of any other real estate corporation, including shares in the corporation held by the loan corporation or any other corporation or company that the loan corporation controls, unless the loan corporation deposits with the Registrar an undertaking by that other real estate corporation to the same effect

as the undertaking referred to in this clause except that other real estate corporation shall further undertake not to make or hold an investment in the shares of any other real estate corporation;

- (c) the loan corporation shall from time to time at the request of the Registrar submit such information as the Registrar may require as evidence that the real estate corporation is complying with the undertaking referred to in clause (b) and, where applicable, that any other real estate corporation described in subclause (b) (vi) is complying with the undertaking referred to in that subclause;
- (d) the common shares of the real estate corporation owned by the loan corporation shall be taken into account in the annual statement of the loan corporation at a value not greater than the amount obtained by multiplying,
 - (i) an amount equal to the excess of the assets of the corporation over the total of the sum of its liabilities and its issued and paid in preferred shares,
 by,
 - (ii) the proportion that the number of common shares of the corporation owned by the loan corporation bears to the total number of the issued and outstanding common shares of the corporation;
- (e) in respect of any one parcel of real estate or any one leasehold owned by the real estate corporation or by any other real estate corporation of which more than 20 per cent of the common shares are owned by the corporation, the aggregate of the book values of,
 - (i) the investments of the loan corporation in mortgages or hypothecs, bonds, debentures or other evidences of indebtedness specifically secured by that parcel of real estate or leasehold,
 - (ii) the loans by the loan corporation specifically secured by that parcel of real estate or leasehold,
 - (iii) all other investments or loans that in the opinion of the Registrar may reasonably be taken to represent an interest of the loan corporation in that parcel of real estate or leasehold, and

- (iv) the investment by the real estate corporation or by any other real estate corporation of which more than 20 per cent of the common shares are owned by the corporation,

shall not at any time exceed 2 per cent of the aggregate of the book value of the total assets of the loan corporation, the total assets of real estate corporations in the shares of which the loan corporation has made an investment under clause 180 (b) of the Act, and the total assets of other real estate corporations of which more than 20 per cent of the common shares are owned by such corporations;

- (f) where the loan corporation has made an investment in the shares of a real estate corporation under clause 180 (b) of the Act, the aggregate of the book values of investments made by the loan corporation in the mortgages or hypothecs, bonds, debentures or other evidences of indebtedness or shares of, or by way of loans to,

- (i) real estate corporations in the shares of which the loan corporation has made an investment under clause 180 (b) of the Act, and

- (ii) other real estate corporations of which more than 20 per cent of the common shares are owned by a real estate corporation referred to in subclause (i),

shall not at any time exceed 10 per cent of the book value of the total assets of the loan corporation; and

- (g) notwithstanding the provisions of clause (e), a total investment in or loans on the security of a parcel of real estate or leasehold may exceed 2 per cent of the aggregate amounts referred to in subclauses (e) (i) to (iv) where,

- (i) the Registrar is satisfied that the repayment schedules relating to the mortgage loans, bonds or debentures secured by that parcel of real estate or leasehold are such that the said aggregate will be reduced to 2 per cent or less of the book value of the total assets of the loan corporation not later than the end of the fourth calendar year following the calendar year in which that investment or loan is made, and

- (ii) that aggregate will not exceed 2¾ per cent of the book value of the total assets of the loan corporation. O. Reg. 435/72, s. 3.

MUTUAL FUND CORPORATION SHARES

4.—(1) The terms and conditions under which a provincial loan corporation may, under clause 180 (c) of the Act, invest its funds in the fully paid shares of a mutual fund corporation, the investment portfolio of which is restricted to investments and loans made and held subject to the same limitations and conditions as are applicable to investments and loans made by the loan corporation by virtue of section 178 of the Act are as follows,

- (a) the loan corporation shall not make an investment in the shares of a mutual fund corporation unless the investment portfolio in which the mutual fund corporation offers participation is managed by the loan corporation or by a corporation or company controlled by the loan corporation;

- (b) before an investment is made in the shares of a mutual fund corporation or an application is made for incorporation of a mutual fund corporation, the loan corporation shall furnish the Registrar with such information as he may require relating to the proposed investment and, where the investment is in the shares of an existing corporation, the loan corporation shall file with the Registrar a certified copy of the instrument of incorporation, by-laws and most recent financial statement of the corporation;

- (c) the loan corporation shall deposit with the Registrar, within two weeks after making an investment in the shares of a mutual fund corporation, an undertaking by the corporation or company managing the investment portfolio, whether or not the corporation or company is the loan corporation, that, while the loan corporation holds an investment in such shares under clause 180 (c) of the Act, the corporation or company managing the investment portfolio will,

- (i) provide the Registrar with copies of the financial statements of the mutual fund corporation and such other information concerning the affairs of the corporation as the Registrar may from time to time request and permit the Registrar, or an authorized representative of his staff, to visit its head office and other offices at any time and examine its books, vouchers, securities or documents,

(ii) not invest the funds of the mutual fund corporation,

(A) in any investment that the loan corporation is prohibited from making by section 191 of the Act, or

(B) in more than 10 per cent of the common shares of any one corporation or company except with the approval of the Registrar, and

(d) the loan corporation shall from time to time at the request of the Registrar submit such information as he may require as evidence that the corporation or company managing the investment portfolio is complying with the undertaking referred to in clause (c).

(2) The terms and conditions under which a provincial loan corporation may, under clause 180 (c) of the Act, invest its funds in the fully paid shares of a mutual fund corporation other than a mutual fund corporation referred to in subsection (1) are as follows,

(a) the terms and conditions set out in clauses (1) (a) to (d); and

(b) the total market value of the investments held by a loan corporation in the shares of a mutual fund corporation other than a mutual fund corporation referred to in subsection (1), under clause 180 (c) of the Act, shall not exceed 5 per cent of the book value of the total assets of the loan corporation at the time of making the investment. O. Reg. 435/72, s. 4.

MUTUAL FUND SALES OR MANAGEMENT CORPORATION SHARES

5.—(1) For the purposes of clause (2) (f), the assets of the mutual fund sales or management corporation shall not include any asset that if owned by the loan corporation would not be admitted as an asset in its annual statement and the total value of any securities included in the assets shall not exceed the total of their market values.

(2) The terms and conditions under which a provincial loan corporation may, under clause 180 (d) of the Act, invest its funds in the fully paid shares of a mutual fund sales or management corporation are as follows,

(a) the loan corporation shall not make an investment in the shares of a mutual fund sales or management corporation unless

it has control, or as a result of the investment will acquire control, of the corporation;

(b) before an investment is made in the shares of a mutual fund sales or management corporation, or an application is made for the incorporation of a mutual fund sales or management corporation, the loan corporation shall furnish the Registrar with such information as he may require relating to the proposed investment and where the investment is in the shares of an existing corporation, the loan corporation shall file with the Registrar a certified copy of the instrument of incorporation, by-laws and most recent financial statement of that corporation;

(c) the loan corporation shall deposit with the Registrar, within two weeks after making an investment in the shares of a mutual fund sales or management corporation, an undertaking by the corporation that, while it is controlled by the loan corporation, the corporation will,

(i) provide the Registrar with copies of its financial statements and such other information concerning its affairs as he may from time to time request and permit the Registrar or an authorized member of his staff to visit its head office and other offices at any time and examine its books, vouchers, securities and documents,

(ii) not make any investment that the loan corporation is prohibited from making by section 191 of the Act,

(iii) not acquire or hold, except with the approval of the Registrar, more than 20 per cent of the common shares of any corporation or company, including shares in the corporation or company held by the loan corporation or any corporation or company that the loan corporation controls,

(iv) not provide any services other than services referred to in clause 180 (d) of the Act, and

(v) provide the services referred to in clause 180 (d) of the Act and such other services as may be necessarily incidental thereto to one or more mutual fund corporations only if the investment portfolio of at least one of the mutual fund corporations is man-

aged by the loan corporation or by a corporation or company controlled by the loan corporation;

- (d) the loan corporation shall from time to time at the request of the Registrar submit such information as he may require as evidence that the mutual fund sales or management corporation is complying with the undertaking referred to in clause (c);
- (e) the loan corporation shall not at any time retain an investment in the shares of a corporation under clause 180 (d) of the Act unless at the time it controls the corporation;
- (f) the common shares of a mutual fund sales or management corporation owned by the loan corporation shall be taken into account in the annual statement of the loan corporation at a value not greater than the amount obtained by multiplying,

- (i) an amount equal to the excess of the assets of the corporation over the total of the sum of its liabilities and its issued and paid in preferred shares,

by,

- (ii) the proportion that the number of common shares of the corporation owned by the loan corporation bears to the total number of the issued and outstanding common shares of the corporation; and
- (g) the total book value of the investments held by the loan corporation in the shares of mutual fund sales or management corporations under clause 180 (d) of the Act shall not exceed 5 per cent of the unimpaired capital and reserve of the loan corporation at the time of making the investment. O. Reg. 435/72, s. 5.

ANCILLARY BUSINESS CORPORATION SHARES

6.—(1) For the purpose of clause (2) (g), the assets of the ancillary business corporation shall not include any asset that if owned by the loan corporation would not be admitted as an asset in its annual statement and the total value of any securities included in the assets shall not exceed the total of their market values.

(2) The terms and conditions under which a provincial loan corporation may, with the prior approval of the Minister, invest its funds in the fully paid shares of an ancillary business corporation under clause 180 (c) of the Act are as follows,

- (a) the loan corporation shall not make an investment in the shares of an ancillary business corporation unless it has control, or as a result of the investment will acquire control, of the corporation;
- (b) before an investment is made in the shares of an ancillary business corporation or before a loan corporation makes application for the incorporation of an ancillary business corporation, the loan corporation shall furnish the Registrar with such information as he may require relating to the proposed investment and where that investment is in the shares of an existing company, the loan corporation shall file with the Registrar a certified copy of the instrument of incorporation, by-laws and most recent financial statement of the company;
- (c) the loan corporation shall deposit with the Registrar, within two weeks after making an investment in the shares of an ancillary business corporation that is incorporated under the laws of Canada or any province thereof an undertaking by the corporation that, while it is controlled by the loan corporation, the corporation will,
 - (i) provide the Registrar with copies of its financial statements and such other information concerning its affairs as he may from time to time request, and permit the Registrar or an authorized representative of his staff to visit its head office and other offices at any time and examine its books, vouchers, securities and documents,
 - (ii) not carry on any business activity while it is deemed to be an ancillary business corporation under this Regulation,
 - (A) referred to in clauses 180 (a), (b), (c) and (d) of the Act, or
 - (B) that is not reasonably ancillary to the business of a loan corporation,
 - (iii) not make any investment that the loan corporation is prohibited from making by section 191 of the Act,
 - (iv) not acquire or hold, except with the approval of the Registrar, more than 20 per cent of the common shares of any corporation or company, and
 - (v) where it was incorporated to provide services of a kind ordinarily required

by the loan corporation, not provide, except with the approval of the Registrar, those services to any other person unless it also provides them to the loan corporation;

(d) where the ancillary business corporation is not incorporated under the laws of Canada or any province thereof the loan corporation shall deposit with the Registrar, within two weeks after making an investment in the shares of such ancillary business corporation an undertaking by the loan corporation that, while it controls the ancillary business corporation, the loan corporation will,

(i) provide the Registrar with copies of the financial statements and such other information concerning the affairs of the ancillary business corporation as he may from time to time request,

(ii) not to permit such ancillary business corporation while it is deemed to be an ancillary business corporation under this Regulation to carry on any business activity,

(A) referred to in clauses 180 (a), (b), (c) and (d) of the Act, except with the approval of the Registrar, or

(B) that is not reasonably ancillary to the business of a loan corporation,

(iii) not to permit such ancillary business corporation to make any investment that the loan corporation is prohibited from making by section 191 of the Act, and

(iv) not to permit such ancillary business corporation to acquire or hold, except with the approval of the Registrar, more than 20 per cent

of the common shares of any corporation or company;

(e) the loan corporation shall from time to time at the request of the Registrar submit such information as he may require as evidence that the loan corporation or the ancillary business corporation is complying with the undertaking referred to in clauses (c) and (d);

(f) a loan corporation shall not at any time retain an investment in the shares of an ancillary business corporation under clause 180 (e) of the Act unless it controls the corporation at the time;

(g) the common shares of the ancillary business corporation owned by the loan corporation shall be taken into account in the annual statement of the loan corporation at a value not greater than the amount obtained by multiplying,

(i) an amount equal to the excess of the assets of the corporation over the total of the sum of its liabilities and its issued and paid in preferred shares,

by,

(ii) the proportion that the number of common shares of the corporation owned by the loan corporation bears to the total number of the issued and outstanding common shares of the corporation; and

(h) the total book value of the investments held by the loan corporation in the shares of ancillary business corporations under clause 180 (e) of the Act shall not at the time the investment was made exceed 15 per cent of the book value of the unimpaired capital and reserve of the loan corporation.

O. Reg. 435/72, s. 6.

REGULATION 594

under the Loan and Trust Corporations Act

SCHEDULE OF FEES

1. The fees for letters patent of incorporation and supplementary letters patent and in respect of those functions performed by the Registrar under the Act are the fees set out in the Schedule:

Schedule

1. Fees for Letters Patent of Incorporation:

For a corporation with an authorized capital stock of,

- i. \$300,000 but less than \$500,000...\$300
- ii. \$500,000 but less than \$1,000,000. 400
- iii. \$1,000,000..... 500
- iv. Exceeding \$1,000,000 but less than \$2,000,000..... 500

plus \$25 for every \$100,000 or fraction thereof in excess of \$1,000,000.

- v. Exceeding \$2,000,000..... 750
- plus \$20 for every \$100,000 or fraction thereof in excess of \$2,000,000.

For supplementary letters patent.... 100

- 2. Application for initial registry (s. 161 of the Act) 50
- 3. Extension of time for filing annual statement, application for renewal of registry, or any other documents or information required under the authority of this Act, except that the Registrar may grant relief from the payment of this fee in any case in which he thinks, for reasons appearing to him to be sufficient, that it should not be imposed per day..... 10
- 4. Initial and annual renewal of registry (s. 163 of the Act):

- i. Where the assets of the corporation do not exceed \$500,000..... 200
- ii. Where the assets of the corporation exceed \$500,000 but do not exceed \$1,000,000..... 250

- iii. Where the assets of the corporation exceed \$1,000,000 but do not exceed \$5,000,000.....\$300
- iv. Where the assets of the corporation exceed \$5,000,000 but do not exceed \$10,000,000..... 400
- v. Where the assets of the corporation exceed \$10,000,000 but do not exceed \$20,000,000..... 450
- vi. Where the assets of the corporation exceed \$20,000,000 500

For the purposes of this item, assets of a trust company shall be deemed to be the aggregate of assets held for company funds, guaranteed funds and assets held for administration under estates and trusts.

- 5. Interim certificate of registry or extension of certificate (s. 163 of the Act) 50
- 6. Revivor of registry after suspension (s. 163 of the Act) 50
- 7. Change of corporate name (s. 164 of the Act) 50
- 8. Change of head office (s. 164 of the Act) ... 50
- 9. Application for increase, decrease, conversion or alteration of capital stock of declaration or alteration of powers..... 25

- i. Order-in-Council increasing capital stock (s. 88 of the Act)

A fee based on item 1 of this Schedule, computed on the difference between the capital stock of the corporation before the order-in-council and the capital stock of the corporation after the order-in-council is issued, with a minimum fee of \$200.

- ii. Any other order-in-council (s. 88 of the Act) 200
- iii. Supplementary letters patent 100

- 10. Application for increase in borrowing powers (s. 109 of the Act) 25
- Order-in-council 200
- 11. Copy of decision of Registrar, per folio of 100 words..... 1
- Also for certificate of Registrar..... 2

12. Certified copy of entry on register or of certificate.....\$	2	15. Examining and passing upon applications or documents (s. 120 of the Act)\$	25
13. Copies of or extracts from documents filed with Registrar, per folio of 100 words....	1	Order-in-council.....	200
Also for certificate of Registrar.....	2	16. Examining and passing upon applications or documents in connection with any matter not specifically referred to in this Schedule.	25
14. Examining and passing upon applications or documents (ss. 134-142 of the Act)	25	Order-in-council.....	200
Order-in-council and certificate.....	200		

O. Reg. 426/72, s. 1.

REGULATION 595

under the Loan and Trust Corporations Act

SUBORDINATED NOTES—LOAN CORPORATION

1. Under section 107 of the Act, a loan corporation that has the capacity to do so may issue subordinated notes in denominations of less than \$50,000 as follows:

1. Where there has been filed with the Registrar in a form satisfactory to him an offering circular pertaining to the issuance of the subordinated note, and, the offering is made only through an investment dealer registered under the *Securities Act*, in denominations of not less than \$1,000.
2. Where the offering is made only to the shareholders of the loan corporation and the Registrar has approved in writing such offering beforehand, in denominations of not less than \$1,000. O. Reg. 900/75, s. 1.

REGULATION 596

under the Loan and Trust Corporations Act

SUBORDINATED NOTES—TRUST COMPANY

1. Under section 114 of the Act, a trust company that has the capacity to do so may issue subordinated notes in denominations of less than \$50,000 as follows:

1. Where there has been filed with the Registrar in a form satisfactory to him an offering circular pertaining to the issuance of the subordinated note, and, the offering is made only through an investment dealer registered under the *Securities Act*, in denominations of not less than \$1,000.
2. Where the offering is made only to the shareholders of the trust company and the Registrar has approved in writing such offering beforehand, in denominations of not less than \$1,000. O. Reg. 639/75, s. 1.

REGULATION 597

under the Loan and Trust Corporations Act

TRUST COMPANY SPECIAL SHARES— INVESTMENT

INTERPRETATION

1.—(1) In this Regulation,

- (a) “ancillary business corporation” means a company wherever incorporated to carry on any business activity, other than a business activity referred to in clause 183 (a), (b), (c), (d) or (e) of the Act, that, is reasonably ancillary to the business of a trust company;
- (b) “annual statement” means the return required by subsection 196 (1) of the Act;
- (c) “equity share” means a share of any class of shares of a company or corporation to which are attached voting rights exercisable under all circumstances and a share of any class of shares to which are attached voting rights by reason of the occurrence of any contingency that has occurred and is continuing;
- (d) “foreign trust corporation” means a corporation incorporated outside Canada with powers similar to those set out in section 110 of the Act for a provincial trust company;
- (e) “mutual fund corporation” means a company that offers public participation in an investment portfolio through the issue of one or more classes of mutual fund shares;
- (f) “mutual fund sales or management corporation” means a company incorporated to provide a mutual fund corporation with advisory, management or sales distribution services; and
- (g) “real estate corporation” means a company incorporated to acquire, hold, maintain, improve, lease or manage real estate or leaseholds or act as agent or broker in the sale or purchase of real estate or leaseholds.

(2) For the purposes of this Regulation, a trust company shall be deemed to control a corporation or company if the trust company owns shares of the corporation or company carrying more than 50 per

cent of the votes for the election of directors, other than by way of security only or owns, directly or indirectly, more than 50 per cent of the total number of issued and outstanding common shares of the corporation or company. O. Reg. 436/72, s. 1.

FOREIGN TRUST CORPORATION SHARES

2.—(1) In this section,

- (a) “amortized value” when used in relation to the value of a redeemable security at any date after purchase, means a value so determined that if the security were purchased at that date and at that value, the yield would be the same as the yield with reference to the original purchase price; and
- (b) “redeemable security” means a security being for a fixed term and redeemable at the end of that term at a specified value.

(2) For the purposes of clause (3) (f), except for an investment or loan, the assets of a foreign trust corporation shall not include any asset that if owned by the trust company would not be admitted as an asset in its annual statement and the total value of the securities included in the assets of the foreign trust corporation shall not exceed,

- (a) in the case of redeemable securities not in default, issued or guaranteed by the Government of Canada, the government of any province of Canada, the Government of the United Kingdom or the Government of the United States, the total of their amortized value; and
- (b) in the case of other securities, the total of their market values.

(3) The terms and conditions under which a provincial trust company may, under clause 183 (a) of the Act, invest its funds in the fully paid shares of a foreign trust corporation are as follows,

- (a) subject to clause (b) the trust company shall not make or hold an investment in the shares of a foreign trust corporation unless it has control, or as a result of the investment will acquire control, of the corporation;

- (b) notwithstanding that it does not have control or would not as a result of the proposed investment acquire control of a foreign trust corporation, the trust company may, with the approval of the Registrar, make or hold an investment in the shares of the corporation if the laws of the country or state in which the foreign trust corporation was incorporated do not permit the trust company to acquire control of the corporation;
- (c) before an investment is made in the shares of a foreign trust corporation, or before a trust company makes application for the incorporation of a foreign trust corporation, the trust company shall furnish the Registrar with such information as he may require relating to the proposed investment and where the investment is in the shares of an existing corporation, the trust company shall file with the Registrar a certified copy of the instrument of incorporation, by-laws and most recent financial statement of the corporation;
- (d) the trust company shall deposit with the Registrar, within two weeks after making an investment in the shares of a foreign trust corporation, an undertaking by the foreign trust corporation that, while the trust company holds an investment in its shares, the foreign trust corporation will,
 - (i) provide the Registrar with copies of its financial statements and such other information concerning its financial condition and affairs as he may from time to time request,
 - (ii) not carry on any business other than the business ordinarily carried on by a trust company,
 - (iii) not make any investment that the trust company is prohibited from making by section 191 of the Act,
 - (iv) not make or hold an investment in the shares of a trust company or of a corporation exercising powers substantially similar to the powers exercisable by a trust company, and
 - (v) not acquire or hold, except with the approval of the Registrar, more than 20 per cent of the common shares of any corporation, including shares in the corporation held by the trust company or any corporation that the trust company controls;
- (e) the trust company shall from time to time at the request of the Registrar submit such information as the Registrar may require

as evidence that a foreign trust corporation is complying with the undertaking referred to in clause (d); and

- (f) the common shares of a foreign trust corporation owned by the trust company shall be taken into account in the annual statement of the trust company at a value not greater than the amount obtained by multiplying,
 - (i) an amount equal to the excess of the assets of the corporation over the total of the sum of its liabilities and its issued and paid in preferred shares,
- by,
- (ii) the proportion that the number of common shares of the corporation owned by the trust company bears to the total number of the issued and outstanding common shares of the corporation. O. Reg. 436/72, s. 2.

REAL ESTATE CORPORATION SHARES

3.—(1) For the purposes of clause (2) (d), the assets of the real estate corporation shall not include any asset, other than an investment referred to in sub-sub-clause (2) (b) (v) (A) or (B), that if owned by the trust company would not be admitted as an asset in its annual statement and the total value of any securities included in the assets of the real estate corporation shall not exceed the total of their market values.

(2) The terms and conditions under which a provincial trust company may, under clause 183 (b) of the Act, invest its funds in the fully paid shares of a real estate corporation are as follows,

- (a) before an investment is made in the shares of a real estate corporation or an application is made for incorporation of a real estate corporation by or on behalf of a trust company, the trust company shall furnish the Registrar with such information as he may require relating to the proposed investment and where the investment is in the shares of an existing corporation, the trust company shall also file with the Registrar a certified copy of the instrument of incorporation, by-laws and most recent financial statement of the corporation;
- (b) the trust company shall deposit with the Registrar, within two weeks after making an investment in the shares of a real estate corporation, an undertaking by that corporation that, while the trust company

holds an investment in its shares under clause 183 (b) of the Act, the corporation will,

- (i) provide the Registrar with copies of its financial statements and such other information concerning its financial condition and affairs as he may from time to time request and permit the Registrar or an authorized member of his staff to visit its head office and other offices at any time and examine its books, vouchers, securities and documents,
- (ii) limit its activities to acquiring, holding, maintaining, improving, leasing or managing real estate or leaseholds and to acting as agent or broker in the sale or purchase of real estate or leaseholds,
- (iii) procure, at the request of the Registrar and at its own expense, an appraisal by one or more competent valuers of any parcel of real estate or any leasehold owned by it,
- (iv) not make any investment that the trust company is prohibited from making by section 191 of the Act,
- (v) except for,
 - (A) investments in real estate or leaseholds, and
 - (B) investments in the shares of other real estate corporations,

restrict those investments or loans that it may be empowered to make, if any, to the same restrictions and conditions that such investments or loans would be subject to if made by a provincial trust company, and

- (vi) not make or hold an investment in more than 20 per cent of the common shares of any other real estate corporation, including shares in the corporation held by the trust company or any other corporation or company that the trust company controls, unless the trust company deposits with the Registrar an undertaking by that other real estate corporation to the same effect as the undertaking referred to in this clause except that other real estate corporation shall further undertake not to make or hold an investment in the shares of any other real estate corporation;

(c) the trust company shall from time to time at the request of the Registrar submit such information as the Registrar may require as evidence that the real estate corporation is complying with the undertaking referred to in clause (b) and, where applicable, that any other real estate corporation described in subclause (b) (vi) is complying with the undertaking referred to in that subclause;

(d) the common shares of the real estate corporation owned by the trust company shall be taken into account in the annual statement of the trust company at a value not greater than the amount obtained by multiplying,

- (i) an amount equal to the excess of the assets of the corporation over the total of the sum of its liabilities and its issued and paid in preferred shares,

by,

- (ii) the proportion that the number of common shares of the corporation owned by the trust company bears to the total number of the issued and outstanding common shares of the corporation;

(e) in respect of any one parcel of real estate or any one leasehold owned by the real estate corporation or by any other real estate corporation of which more than 20 per cent of the common shares are owned by the corporation, the aggregate of the book values of,

- (i) the investments of the trust company in mortgages or hypothecs, bonds, debentures or other evidences of indebtedness specifically secured by that parcel of real estate or leasehold,

- (ii) the loans by the trust company specifically secured by that parcel of real estate or leasehold,

- (iii) all other investments or loans that in the opinion of the Registrar may reasonably be taken to represent an interest of the trust company in that parcel of real estate or leasehold made with the trust company's own funds and the guaranteed trust money held by it, and

- (iv) the investment by the real estate corporation or by any other real estate corporation of which more than 20 per cent of the common shares are owned by the corporation,

shall not at any time exceed 2 per cent of the aggregate of the book value of the total assets of the trust company's own funds, the guaranteed trust money held by it, the total assets of real estate corporations in the shares of which the trust company has made an investment under clause 183 (b) of the Act, and the total assets of other real estate corporations of which more than 20 per cent of the common shares are owned by such corporations;

(f) where the trust company has made an investment in the shares of a real estate corporation under clause 183 (b) of the Act, the aggregate of the book values of investments made by the trust company with its own funds and the guaranteed trust money held by it in the mortgages or hypothecs, bonds, debentures or other evidences of indebtedness or shares of, or by way of loans to,

(i) real estate corporations in the shares of which the trust company has made an investment under clause 183 (b) of the Act, and

(ii) other real estate corporations of which more than 20 per cent of the common shares are owned by a real estate corporation referred to in subclause (i),

shall not at any time exceed 10 per cent of the book value of the total assets of the trust company's own funds and the guaranteed trust money held by it; and

(g) notwithstanding the provisions of clause (e), a total investment in or loans on the security of a parcel of real estate or leasehold may exceed 2 per cent of the aggregate amounts referred to in subclauses (e) (i) to (iv) where,

(i) the Registrar is satisfied that the repayment schedules relating to the mortgage loans, bonds or debentures secured by that parcel of real estate or leasehold are such that the said aggregate will be reduced to 2 per cent or less of the book value of the total assets of the trust company's own funds and the guaranteed trust money held by it not later than the end of the fourth calendar year following the calendar year in which that investment or loan is made, and

(ii) that aggregate will not exceed $2\frac{3}{4}$ per cent of the book value of the

total assets of the trust company's own funds and the guaranteed trust money held by it. O. Reg. 436/72,

MUTUAL FUND CORPORATION SHARES

4.—(1) The terms and conditions under which a provincial trust company may, under clause 183 (c) of the Act, invest its funds in the fully paid shares of a mutual fund corporation, the investment portfolio of which is restricted to investments and loans made and held subject to the same limitations and conditions as are applicable to investments and loans made by the trust company by virtue of section 178 of the Act are as follows,

(a) the trust company shall not make an investment in the shares of a mutual fund corporation unless the investment portfolio in which the mutual fund corporation offers participation is managed by the trust company or by a corporation or company controlled by the trust company;

(b) before an investment is made in the shares of a mutual fund corporation or an application is made for incorporation of a mutual fund corporation, the trust company shall furnish the Registrar with such information as he may require relating to the proposed investment and, where the investment is in the shares of an existing corporation, the trust company shall file with the Registrar a certified copy of the instrument of incorporation, by-laws and most recent financial statement of the corporation;

(c) the trust company shall deposit with the Registrar, within two weeks after making an investment in the shares of a mutual fund corporation, an undertaking by the corporation or company managing the investment portfolio, whether or not the corporation or company is the trust company, that, while the trust company holds an investment in such shares under clause 183 (c) of the Act, the corporation or company managing the investment portfolio will,

(i) provide the Registrar with copies of the financial statements of the mutual fund corporation and such other information concerning the affairs of the corporation as the Registrar may from time to time request and permit the Registrar or an authorized representative of his staff, to visit its head office and other offices at any time and examine its books, vouchers, securities or documents,

- (ii) not invest the funds of the mutual fund corporation,

- (A) in any investment that the trust company is prohibited from making by section 191 of the Act, or

- (B) in more than 10 per cent of the common shares of any one corporation or company except with the approval of the Registrar, and

- (d) the trust company shall from time to time at the request of the Registrar submit such information as he may require as evidence that the corporation or company managing the investment portfolio is complying with the undertaking referred to in clause (c).

(2) The terms and conditions under which a provincial trust company may, under clause 155 (c) of the Act, invest its funds in the fully paid shares of a mutual fund corporation other than a mutual fund corporation referred to in subsection (1) are as follows,

- (a) the terms and conditions set out in clauses (1) (a) to (d); and
- (b) the total market value of the investments held by a trust company in the shares of a mutual fund corporation other than a mutual fund corporation referred to in subsection (1) under clause 183 (c) of the Act, shall not exceed 5 per cent of the book value of the total assets of the trust company's own funds at the time of making the investment. O. Reg. 436/72, s. 4.

MUTUAL FUND SALES OR MANAGEMENT CORPORATION SHARES

5.—(1) For the purposes of clause (2) (f), the assets of the mutual fund sales or management corporation shall not include any asset that if owned by the trust company would not be admitted as an asset in its annual statement and the total value of any securities included in the assets shall not exceed the total of their market values.

(2) The terms and conditions under which a provincial trust company may, under clause 183 (d) of the Act, invest its funds in the fully paid shares of a mutual fund sales or management corporation are as follows,

- (a) the trust company shall not make an investment in the shares of a mutual fund sales or management corporation unless

it has control, or as a result of the investment will acquire control, of the corporation;

- (b) before an investment is made in the shares of a mutual fund sales or management corporation, or an application is made for the incorporation of a mutual fund sales or management corporation, the trust company shall furnish the Registrar with such information as he may require relating to the proposed investment and where the investment is in the shares of an existing corporation the trust company shall file with the Registrar a certified copy of the instrument of incorporation, by-laws and most recent financial statement of that company;

- (c) the trust company shall deposit with the Registrar, within two weeks after making an investment in the shares of a mutual fund sales or management corporation, an undertaking by the corporation that, while it is controlled by the trust company, the corporation will,

- (i) provide the Registrar with copies of its financial statements and such other information concerning its affairs as he may from time to time request and permit the Registrar or an authorized member of his staff to visit its head office and other offices at any time and examine its books, vouchers, securities, and documents,

- (ii) not make any investment that the trust company is prohibited from making by section 191 of the Act,

- (iii) not acquire or hold, except with the approval of the Registrar, more than 20 per cent of the common shares of any corporation or company, including shares in the corporation or company held by the trust company or any corporation or company that the trust company controls,

- (iv) not provide any services other than services referred to in clause 183 (d) of the Act, and

- (v) provide the services referred to in clause 183 (d) of the Act and such other services as may be necessarily incidental thereto to one or more mutual fund corporations only if the investment portfolio of at least one of the mutual fund corporations is managed by the trust company or by a corporation or company controlled by the trust company;

- (d) the trust company shall from time to time at the request of the Registrar submit such information as he may require as evidence that the mutual fund sales or management corporation is complying with the undertaking referred to in clause (c);
 - (e) the trust company shall not at any time retain an investment in the shares of a mutual fund sales or management corporation under clause 183 (d) of the Act unless at the time it controls the corporation;
 - (f) the common shares of a mutual fund sales or management corporation owned by the trust company shall be taken into account in the annual statement of the trust company at a value not greater than the amount obtained by multiplying,
 - (i) an amount equal to the excess of the assets of the corporation over the total of the sum of its liabilities and its issued and paid in preferred shares,
 by,
 - (ii) the proportion that the number of common shares of the corporation owned by the trust company bears to the total number of the issued and outstanding common shares of the corporation; and
 - (g) the total book value of the investments held by the trust company in the shares of mutual fund sales or management corporations under clause 183 (d) of the Act shall not exceed 5 per cent of the book value of the total assets of the trust company's own funds at the time of making the investment.
- O. Reg. 436/72, s. 5.

LOAN CORPORATION SHARES

6.—(1) For the purposes of clause (2) (d), the values of the assets and the amounts of the liabilities and preferred shares of the loan corporation shall be those shown in its most recent annual statement and the total value of the securities included in the assets shall not exceed,

- (a) in the case of redeemable securities not in default, issued or guaranteed by the Government of Canada or the government of any province of Canada, the total of their amortized values; and
- (b) in the case of securities other than securities mentioned in clause (a), the total of their market values.

(2) Subject to the assent of the Lieutenant Governor in Council with respect to any agreement or offer, as required by the Act, the terms and conditions under which a provincial trust company may, under clause 183 (e) of the Act, invest its funds in the fully paid shares of a loan corporation are as follows,

- (a) the trust company shall not make an investment in the shares of a loan corporation unless it has control, or as a result of the investment will acquire control, of the loan corporation;
- (b) the trust company shall deposit with the Registrar, prior to making an application for the incorporation of a loan corporation or within two weeks after making an investment in the shares of a loan corporation, an undertaking by the loan corporation that, while it is controlled by the trust company, the loan corporation will not,
 - (i) make any investment that the trust company is prohibited from making by section 191 of the Act or,
 - (ii) make or hold an investment in the shares of a trust company or of a corporation or company exercising powers substantially similar to the powers exercisable by a trust company unless assented to by the Lieutenant Governor in Council with respect to any agreement or offer, as required by the Act;
- (c) the trust company shall not at any time retain an investment in the shares of a loan corporation under clause 183 (e) of the Act unless it controls the corporation at that time;
- (d) the common shares of the loan corporation owned by the trust company shall be taken into account in the annual statement of the trust company at a value not greater than the amount obtained by multiplying,

- (i) an amount equal to the excess of the assets of the loan corporation over the total of the sum of its liabilities and its issued and paid in preferred shares,

by,

- (ii) the proportion that the number of common shares of the loan corporation owned by the trust company bears to the total number of the issued and outstanding common shares of the loan corporation; and

(e) where the trust company has made an investment in the shares of one or more loan corporations under clause 183 (e) of the Act, the aggregate of,

(i) the amounts of the trust company's own funds and the guaranteed trust money held by it that are invested,

(A) in the mortgages or hypothecs, bonds, debentures or other evidences of indebtedness or shares of such loan corporations, and

(B) by way of loans, advances or contributions to such loan corporations, and

(ii) the amounts, other than the amounts referred to in sub-subclause (i) (B), owing to the trust company by such loan corporations,

shall not at any time, except with the approval of the Minister, exceed 2 per cent of the book value of the total assets of the trust company's own funds and the guaranteed trust money held by it. O. Reg. 436/72, s. 6.

ANCILLARY BUSINESS CORPORATION SHARES

7.—(1) For the purpose of clause (2) (g), the assets of the ancillary business corporation shall not include any asset that if owned by the trust company would not be admitted as an asset in its annual statement and the total value of any securities included in the assets shall not exceed the total of their market values. O. Reg. 436/72, s. 7 (1).

(2) The terms and conditions under which a provincial trust company may, with the prior approval of the Minister, invest its funds in the fully paid shares of an ancillary business corporation under clause 183 (f) of the Act are as follows,

(a) the trust company shall not make an investment in the shares of an ancillary business corporation unless it has control, or as a result of the investment will acquire control, of the corporation;

(b) before an investment is made in the shares of an ancillary business corporation or before a trust company makes application for the incorporation of an ancillary business corporation, the trust company shall furnish the Registrar with such information as he may require relating to the proposed investment and where that investment is in the shares of an existing company, the trust company shall file with the Registrar a

certified copy of the instrument of incorporation, by-laws and most recent financial statement of the company;

(c) the trust company shall deposit with the Registrar, within two weeks after making an investment in the shares of an ancillary business corporation that is incorporated under the laws of Canada or any province thereof an undertaking by the corporation that, while it is controlled by the trust company, the corporation shall,

(i) provide the Registrar with copies of its financial statements and such other information concerning its affairs as he may from time to time request, and permit the Registrar or an authorized representative of his staff to visit its head office and other offices at any time and examine its books, vouchers, securities and documents,

(ii) not carry on any business activity while it is deemed to be an ancillary business corporation under this Regulation,

(A) referred to in clauses 183 (a) to (e) of the Act, or

(B) that is not reasonably ancillary to the business of a trust company,

(iii) not make any investment that the trust company is prohibited from making by section 191 of the Act,

(iv) not acquire or hold, except with the approval of the Registrar, more than 20 per cent of the common shares of any corporation or company, and

(v) where it was incorporated to provide services of a kind ordinarily required by the trust company, not provide, except with the approval of the Registrar, those services to any other person unless it also provides them to the trust company;

(d) where the ancillary business corporation is not incorporated under the laws of Canada or any province thereof the trust company shall deposit with the Registrar, within two weeks after making an investment in the shares of such ancillary business corporation an undertaking by the trust company that, while it controls the ancillary business corporation, the trust company will,

- (i) provide the Registrar with copies of the financial statements and such other information concerning the affairs of the ancillary business corporation as he may from time to time request,
 - (ii) not to permit such ancillary business corporation while it is deemed to be an ancillary business corporation under this Regulation to carry on any business activity,
 - (A) referred to in clauses 183 (a) to (e) of the Act, except with the approval of the Registrar, or
 - (B) that is not reasonably ancillary to the business of a trust company,
 - (iii) not to permit such ancillary business corporation to make any investment that the trust company is prohibited from making by section 191 of the Act,
 - (iv) not to permit such ancillary business corporation to acquire or hold, except with the approval of the Registrar, more than 20 per cent of the common shares of any corporation or company;
- (e) the trust company shall from time to time at the request of the Registrar submit such information as he may require as evidence that the trust company or the ancillary business corporation is complying with the undertaking referred to in clauses (c) and (d);
- (f) a trust company shall not at any time retain an investment in the shares of an ancillary business corporation under clause 183 (f) of the Act unless it controls the corporation at the time;
 - (g) the common shares of the ancillary business corporation owned by the trust company shall be taken into account in the annual statement of the trust company at a value not greater than the amount obtained by multiplying,
 - (i) an amount equal to the excess of the assets of the corporation over the total of the sum of its liabilities and its issued and paid in preferred shares,
 by,
 - (ii) the proportion that the number of common shares of the corporation owned by the trust company bears to the total number of the issued and outstanding common shares of the corporation; and
 - (h) the total book value of the investments held by the trust company in the shares of ancillary business corporations under clause 183 (f) of the Act shall not at the time the investment was made exceed 15 per cent of the book value of the total assets of the trust company's own funds. O. Reg. 436/72, s. 7.

REGULATION 598

under the Local Roads Boards Act

ESTABLISHMENT OF LOCAL ROADS AREAS—NORTHERN AND EASTERN REGIONS

1. In this Regulation, "township" means geographic township. R.R.O. 1970, Reg. 571, s. 1.

2. The areas described in the schedules are established as local roads areas. R.R.O. 1970, Reg. 571, s. 2.

3. The roads shown as local roads on a plan referred to in a Schedule are designated as the local roads included in the local roads area described in the Schedule. R.R.O. 1970, Reg. 571, s. 3.

Schedule 1

PHELPS LOCAL ROADS AREA

All of the Township of Phelps in the Territorial District of Nipissing including,

(a) part of,

(i) the Mattawa River,

(ii) Turtle Lake, and

(iii) Talon Lake; and

(b) offshore islands in the waters of Mattawa River referred to in clause (a),

shown outlined on Ministry of Transportation and Communications Plan N-1064-4, filed in the Archives of Ontario at Toronto as No. 2468. O. Reg. 799/78, s. 1.

Schedule 2

AHMIC LAKE LOCAL ROADS AREA

All that portion of the Township of Croft in the Territorial District of Parry Sound including,

(a) part of,

(i) the Magnetawan River,

(ii) Ahmic Lake, and

(iii) Whalley Lake; and

(b) offshore islands in the waters referred to in clause (a),

shown outlined on Ministry of Transportation and Communications Plan N-776-2, filed in the Archives of Ontario at Toronto as No. 778. R.R.O. 1970, Reg. 571, Sched. 3.

Schedule 3

SHAKESPEARE LOCAL ROADS AREA

All of the Township of Shakespeare in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-705-2, filed in the Archives of Ontario at Toronto as No. 1207. R.R.O. 1970, Reg. 571, Sched. 7.

Schedule 4

CRERAR, GIBBONS AND BASTEDO LOCAL ROADS AREA

All those portions of the townships of Crerar, Gibbons and Bastedo in the Territorial District of Nipissing and those portions of the Township of Henry in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-270-A6, filed in the Archives of Ontario at Toronto as No. 2512. O. Reg. 125/79, s. 1.

Schedule 5

BADGEROW NO. 2 LOCAL ROADS AREA

All those portions of the Township of Badgerow in the Territorial District of Nipissing shown outlined on Ministry of Transportation and Communications Plan N-1305-A6, filed in the Archives of Ontario at Toronto as No. 2473. O. Reg. 979/78, s. 2.

Schedule 6

HUGEL AND SOUTHWEST BADGEROW LOCAL ROADS AREA

All of the Township of Hugel and that portion of the Township of Badgerow in the Territorial District of Nipissing shown outlined on Ministry of Transportation and Communications Plan N-1131-A1, filed in the Archives of Ontario at Toronto as No. 716. R.R.O. 1970, Reg. 571, Sched. 20.

Schedule 7

DILL-SECORD LOCAL ROADS AREA

All those portions of the townships of Dill, Secord and Tilton in the Territorial District of

Sudbury shown outlined on Ministry of Transportation and Communications Plan N-1260-4, filed in the Archives of Ontario at Toronto as No. 1545. O. Reg. 266/73, s. 1.

Schedule 8

BEAUCHAMP LOCAL ROADS AREA

All of the Township of Beauchamp in the Territorial District of Timiskaming shown outlined on Ministry of Transportation and Communications Plan N-1306-2, filed in the Archives of Ontario at Toronto as No. 2200. O. Reg. 272/77, s. 1, *part*.

Schedule 9

GRANT-FELL LOCAL ROADS AREA

All of the Township of Grant and all those portions of the Township of Fell in the Territorial District of Nipissing shown outlined on Ministry of Transportation and Communications Plan N-1327-3, filed in the Archives of Ontario at Toronto as No. 2187. O. Reg. 224/77, s. 2.

Schedule 10

HAY LAKE LOCAL ROADS AREA

All that portion of the Township of Sabine in the Territorial District of Nipissing shown outlined on Ministry of Transportation and Communications Plan N-834-1, filed in the Archives of Ontario at Toronto as No. 631. R.R.O. 1970, Reg. 571, Sched. 32.

Schedule 11

DRY PINE BAY LOCAL ROADS AREA

All those portions of the Township of Bigwood in the Territorial District of Sudbury, shown outlined on Ministry of Transportation and Communications Plan N-754-5, filed in the Archives of Ontario at Toronto as No. 2217. O. Reg. 853/77, s. 1.

Schedule 12

HESS LOCAL ROADS AREA

All those portions of the townships of Hess and Moncrief in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-1023-1, filed in the Archives of Ontario at Toronto as No. 633. R.R.O. 1970, Reg. 571, Sched. 34.

Schedule 13

HUNTA LOCAL ROADS AREA

All those portions of the townships of Clute and Calder in the Territorial District of Cochrane shown outlined on Ministry of Transportation and Communications Plan N-528-1, filed in the Archives of Ontario

at Toronto as No. 655. R.R.O. 1970, Reg. 571, Sched. 37.

Schedule 14

LONG LAKE LOCAL ROADS AREA

All those portions of the Township of Eden in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-1344-4, filed in the Archives of Ontario at Toronto as No. 2221. O. Reg. 166/78, s. 1.

Schedule 15

BURWASH-HENDRIE LOCAL ROADS AREA

All those portions of the townships of Burwash, Hendrie, Secord, Cleland and Dill in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-752-5, filed in the Archives of Ontario at Toronto as No. 2474. O. Reg. 979/78, s. 3.

Schedule 16

MINISTIC LAKE LOCAL ROADS AREA

All those portions of the townships of Cascaden and Ermatinger in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-817-1, filed in the Archives of Ontario at Toronto as No. 661. R.R.O. 1970, Reg. 571, Sched. 43.

Schedule 17

DOWNES LAKE LOCAL ROADS AREA

All that portion of the Township of Moncrieff in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-1237-1, filed in the Archives of Ontario at Toronto as No. 662. R.R.O. 1970, Reg. 571, Sched. 44.

Schedule 18

ROBILLARD LOCAL ROADS AREA

All of the Township of Robillard in the Territorial District of Timiskaming shown outlined on Ministry of Transportation and Communications Plan N-1347-4, filed with the Record Services Office of the Ministry of Transportation and Communications at Toronto on the 28th day of February, 1980. O. Reg. 299/80, s. 1.

Schedule 19

WHISKEY LAKE LOCAL ROADS AREA

All of the townships of Lehman and Gaiashk and all those portions of the townships of Lockeyer, Gerow and Boon in the Territorial District of Algoma, shown outlined on Ministry of Transportation and Communications Plan N-1349-2, filed in the Archives of Ontario at Toronto as No. 1937. O. Reg. 720/75, s. 1, *part*.

Schedule 20

FOURNIER LOCAL ROADS AREA

All those portions of the Township of Fournier in the Territorial District of Cochrane shown outlined on Ministry of Transportation and Communications Plan N-789-4, filed with the Record Services Office of the Ministry of Transportation and Communications at Toronto on the 21st day of January, 1980. O. Reg. 101/80, s. 1.

Schedule 21

ARMSTRONG LAKE LOCAL ROADS AREA

All that portion of the Township of Trill in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-1348-2, filed in the Archives of Ontario at Toronto as No. 1547. O. Reg. 266/73, s. 3, *part*.

Schedule 22

EAST BEAR LAKE LOCAL ROADS AREA

All that portion of the Township of Monteith in the Territorial District of Parry Sound shown outlined on Ministry of Transportation and Communications Plan N-1086-2, filed in the Archives of Ontario at Toronto as No. 791. R.R.O. 1970, Reg. 571, Sched. 58.

Schedule 23

FREDERICKHOUSE LOCAL ROADS AREA

All those portions of the Township of Clute in the Territorial District of Cochrane shown outlined on Ministry of Transportation and Communications Plan N-468-4, filed with the Record Services Office of the Ministry of Transportation and Communications at Toronto on the 21st day of January, 1980. O. Reg. 101/80, s. 2.

Schedule 24

HALLEBOURG LOCAL ROADS AREA

All those portions of the Township of Kendall in the Territorial District of Cochrane shown outlined on Ministry of Transportation and Communications Plan N-593-3, filed in the Archives of Ontario at Toronto as No. 1989. O. Reg. 1/76, s. 4.

Schedule 25

WYSE-POITRAS LOCAL ROADS AREA

All those portions of the townships of Wyse and Poitras in the Territorial District of Nipissing shown outlined on Ministry of Transportation and Communications Plan N-1354-1, filed in the Archives of Ontario

at Toronto as No. 686. R.R.O. 1970, Reg. 571, Sched. 66.

Schedule 26

THORNE LOCAL ROADS AREA

All those portions of the Township of Poitras in the Territorial District of Nipissing shown outlined on Ministry of Transportation and Communications Plan N-437-3, filed in the Archives of Ontario at Toronto as No. 1643. O. Reg. 120/74, s. 1.

Schedule 27

HARTLEY BAY LOCAL ROADS AREA

All of the Township of Allen in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-1355-1, filed in the Archives of Ontario at Toronto as No. 689. R.R.O. 1970, Reg. 571, Sched. 69.

Schedule 28

DAWSON LOCAL ROADS AREA

All of the Township of Dawson in the Territorial District of Manitoulin shown outlined on Ministry of Transportation and Communications Plan N-651-2, filed in the Archives of Ontario at Toronto as No. 738. R.R.O. 1970, Reg. 571, Sched. 70.

Schedule 29

FALCONER, LOUDON AND HADDON
LOCAL ROADS AREA

All those portions of the townships of Falconer and Loudon in the Territorial District of Nipissing and all those portions of the Township of Haddon in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-1184-4, filed in the Archives of Ontario at Toronto as No. 1992. O. Reg. 76/76, s. 1.

Schedule 30

BRITT LOCAL ROADS AREA

All those portions of the townships of Henvey and Wallbridge in the Territorial District of Parry Sound, and certain islands in Georgian Bay in the vicinity of Henvey Township shown outlined on Ministry of Transportation and Communications Plan N-750-1, filed in the Archives of Ontario at Toronto as No. 695. R.R.O. 1970, Reg. 571, Sched. 73.

Schedule 31

SOUTH MACKENZIE LAKE LOCAL ROADS
AREA

All that portion of the Township of Sabine in the Territorial District of Nipissing shown outlined on

Ministry of Transportation and Communications Plan N-834-A1, filed in the Archives of Ontario at Toronto as No. 706. R.R.O. 1970, Reg. 571, Sched. 83.

Schedule 32

ROCK LAKE LOCAL ROADS AREA

All those portions of the Township of Servos and that portion of the Township of Cox in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-838-2, filed in the Archives of Ontario at Toronto as No. 1341. O. Reg. 127/71, s. 1.

Schedule 33

OTTO LOCAL ROADS AREA

All those portions of the townships of Boston and Otto in the Territorial District of Timiskaming shown outlined on Ministry of Transportation and Communications Plan N-449-3, filed in the Archives of Ontario at Toronto as No. 1506. O. Reg. 399/72, s. 1.

Schedule 34

CAMPBELL LOCAL ROADS AREA

All of the Township of Campbell in the Territorial District of Manitoulin shown outlined on Ministry of Transportation and Communications Plan N-657-2, filed in the Archives of Ontario at Toronto as No. 1645. O. Reg. 120/74, s. 3, *part*.

Schedule 35

FERRIE LOCAL ROADS AREA

All that portion of the Township of Ferrie in the Territorial District of Parry Sound shown outlined on Ministry of Transportation and Communications Plan N-1360-1, filed in the Archives of Ontario at Toronto as No. 728. O. Reg. 387/66, s. 3.

Schedule 36

FERGUSON LOCAL ROADS AREA

All of the Township of Ferguson in the Territorial District of Parry Sound shown outlined on Ministry of Transportation and Communications Plan N-1043-4, filed in the Archives of Ontario at Toronto as No. 1859. O. Reg. 161/75, s. 2.

Schedule 37

LOUNT LOCAL ROADS AREA

All those portions of the Township of Lount in the Territorial District of Parry Sound shown outlined on Ministry of Transportation and Communications Plan N-1362-3, filed in the Archives of Ontario at Toronto as No. 2008. O. Reg. 335/76, s. 2.

Schedule 38

McKENZIE-EAST BURPEE AND BURTON LOCAL ROADS AREA

All of the townships of McKenzie and East Burpee and that portion of the Township of Burton in the Territorial District of Parry Sound shown outlined on Ministry of Transportation and Communications Plan M-1361-2, filed in the Archives of Ontario at Toronto as No. 794. R.R.O. 1970, Reg. 571, Sched. 96.

Schedule 39

LOUGHRIN LOCAL ROADS AREA

All of the Township of Loughrin and that portion of the Township of Henry in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-1363-2, filed in the Archives of Ontario at Toronto as No. 911. R.R.O. 1970, Reg. 571, Sched. 97.

Schedule 40

NOREMBEGA LOCAL ROADS AREA

All of the Township of Pyne and that portion of the Township of Fox in the Territorial District of Cochrane shown outlined on Ministry of Transportation and Communications Plan N-1134-1, filed in the Archives of Ontario at Toronto as No. 748. R.R.O. 1970, Reg. 571, Sched. 101.

Schedule 41

CARTIER LOCAL ROADS AREA

All of the Township of Cartier and that portion of the Township of Hart in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-698-3, filed in the Archives of Ontario at Toronto as No. 1526. O. Reg. 22/73, s. 1.

Schedule 42

NORTH McKENZIE LAKE LOCAL ROADS AREA

All of those portions of the townships of Sabine and Lyell in the Territorial District of Nipissing shown outlined on Ministry of Transportation and Communications Plan N-834-B2, filed in the Archives of Ontario at Toronto as No. 1511. O. Reg. 496/72, s. 1.

Schedule 43

SABINE LOCAL ROADS AREA

All those portions of the townships of Sabine and Lyell in the Territorial District of Nipissing shown outlined on Ministry of Transportation and Communications Plan N-834-C3, filed in the Archives

of Ontario at Toronto as No. 2481. O. Reg. 53/79, s. 1.

Schedule 44

SHERATON AND MACKLEM LOCAL ROADS AREA

All those portions of the Township of Sheraton in the Territorial District of Cochrane and all that portion of the Township of Timmins in the Territorial District of Timiskaming shown outlined on Ministry of Transportation and Communications Plan N-1366-1, filed in the Archives of Ontario at Toronto as No. 1548. O. Reg. 266/73, s. 3, *part*.

Schedule 45

COPPELL LOCAL ROADS AREA

All those portions of the Township of Lowther in the Territorial District of Cochrane shown outlined on Ministry of Transportation and Communications Plan N-1219-2, filed in the Archives of Ontario at Toronto as No. 2482. O. Reg. 53/79, s. 2.

Schedule 46

KIRKPATRICK LOCAL ROADS AREA

All of the Township of Kirkpatrick in the Territorial District of Nipissing shown outlined on Ministry of Transportation and Communications Plan N-632-2, filed in the Archives of Ontario at Toronto as No. 2201. O. Reg. 272/77, s. 1, *part*.

Schedule 47

BALLANTYNE AND LAURIER LOCAL ROADS AREA

All that portion of the Township of Ballantyne in the Territorial District of Nipissing and all that portion of the Township of Laurier in the Territorial District of Parry Sound shown outlined on Ministry of Transportation and Communications Plan N-507-3, filed in the Archives of Ontario at Toronto as No. 1530. O. Reg. 21/73, s. 1, *part*.

Schedule 48

BIGWOOD, DELAMERE, HOSKIN LOCAL ROADS AREA

All those portions of the Townships of Bigwood, Delamere, Hoskin, Cox and Cherriman in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-779-9, filed with the Record Services Office of the Ministry of Transportation and Communications at Toronto on the 21st day of January, 1980. O. Reg. 101/80, s. 5.

Schedule 49

ST. CLOUD LOCAL ROADS AREA

All those portions of the townships of Cleland, Dryden and Dill in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-771-1, filed in the Archives of Ontario at Toronto as No. 773. R.R.O. 1970, Reg. 571, Sched. 117.

Schedule 50

MACPHERSON LOCAL ROADS AREA

All those portions of the townships of Macpherson and Loudon in the Territorial District of Nipissing and that portion of the Township of Haddo in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-518-3, filed in the Archives of Ontario at Toronto as No. 2212. O. Reg. 572/77, s. 1.

Schedule 51

TONOMO LAKE LOCAL ROADS AREA

All those portions of the townships of Olive and Law in the Territorial District of Nipissing, shown outlined on Ministry of Transportation and Communications Plan N-575-2, filed in the Archives of Ontario at Toronto as No. 1446. O. Reg. 19/72, s. 1.

Schedule 52

DUNNING LOCAL ROADS AREA

All of the Township of Kennedy and that portion of the townships of Fox and Brower in the Territorial District of Cochrane shown outlined on Ministry of Transportation and Communications Plan N-292-1, filed in the Archives of Ontario at Toronto as No. 795. R.R.O. 1970, Reg. 571, Sched. 128.

Schedule 53

HENWOOD LOCAL ROADS AREA

All of the Township of Henwood in the Territorial District of Timiskaming shown outlined on Ministry of Transportation and Communications Plan N-444-2, filed with the Record Services Office of the Ministry of Transportation and Communications at Toronto on the 21st day of January, 1980. O. Reg. 101/80, s. 8.

Schedule 54

BROWER LOCAL ROADS AREA

All that portion of the Township of Brower in the Territorial District of Cochrane shown outlined on Ministry of Transportation and Communications Plan N-760-1, filed in the Archives of Ontario at Toronto as No. 809. R.R.O. 1970, Reg. 571, Sched. 133.

Schedule 55

DRIFTWOOD LOCAL ROADS AREA

All that portion of the Township of Calder in the Territorial District of Cochrane shown outlined on Ministry of Transportation and Communications Plan N-528-A2, filed in the Archives of Ontario at Toronto as No. 2475. O. Reg. 979/78, s. 4.

Schedule 56

HANLAN LOCAL ROADS AREA

All those portions of the Township of Hanlan in the Territorial District of Cochrane shown outlined on Ministry of Transportation and Communications Plan N-792-2, filed in the Archives of Ontario at Toronto as No. 1990. O. Reg. 1/76, s. 5.

Schedule 57

KENDALL LOCAL ROADS AREA

All those portions of the Township of Kendall in the Territorial District of Cochrane shown outlined on Ministry of Transportation and Communications Plan N-593-A4, filed with the Record Services Office of the Ministry of Transportation and Communications at Toronto on the 21st day of January, 1980. O. Reg. 101/80, s. 9.

Schedule 58

LAMARCHE LOCAL ROADS AREA

All those portions of the Township of Lamarche in the Territorial District of Cochrane shown outlined on Ministry of Transportation and Communications Plan N-288-3, filed in the Archives of Ontario at Toronto as No. 2223. O. Reg. 166/78, s. 3.

Schedule 59

TUNIS LOCAL ROADS AREA

All of the Township of Newmarket in the Territorial District of Cochrane shown outlined on Ministry of Transportation and Communications Plan N-419-1, filed in the Archives of Ontario at Toronto as No. 814. R.R.O. 1970, Reg. 571, Sched. 138.

Schedule 60

MURCHISON LOCAL ROADS AREA

All that portion of the Township of Murchison in the Territorial District of Nipissing, shown outlined on Ministry of Transportation and Communications Plan N-590-1, filed in the Archives of Ontario at Toronto as No. 816. R.R.O. 1970, Reg. 571, Sched. 140.

Schedule 61

CROFT LOCAL ROADS AREA

All that portion of the Township of Croft in the Territorial District of Parry Sound shown outlined on Ministry of Transportation and Communications Plan N-776-A3, filed in the Archives of Ontario at Toronto as No. 1438. O. Reg. 542/71, s. 1.

Schedule 62

SAVARD LOCAL ROADS AREA

All of the Township of Savard and all those portions of the townships of Sharpe and Marquis in the Territorial District of Timiskaming shown outlined on Ministry of Transportation and Communications Plan N-1388-3, filed with the Record Services Office of the Ministry of Transportation and Communications at Toronto on the 28th day of February, 1980. O. Reg. 299/80, s. 2.

Schedule 63

CASGRAIN LOCAL ROADS AREA

All those portions of the Township of Casgrain in the Territorial District of Cochrane shown outlined on Ministry of Transportation and Communications Plan N-1390-3, filed in the Archives of Ontario at Toronto as No. 2179. O. Reg. 194/77, s. 2.

Schedule 64

VAL COTE LOCAL ROADS AREA

All that portion of the Township of Devitt in the Territorial District of Cochrane shown outlined on Ministry of Transportation and Communications Plan N-417-1, filed in the Archives of Ontario at Toronto as No. 820. R.R.O. 1970, Reg. 571, Sched. 144.

Schedule 65

MILLS LOCAL ROADS AREA

All of the Township of Mills in the Territorial District of Manitoulin shown outlined on Ministry of Transportation and Communications Plan N-655-1, filed in the Archives of Ontario at Toronto as No. 824. R.R.O. 1970, Reg. 571, Sched. 148.

Schedule 66

RED DEER LOCAL ROADS AREA

All those portions of the townships of Cleland, Dryden, Awrey and Hawley in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-771-A4, filed in the Archives of Ontario at Toronto as No. 1453. O. Reg. 55/72, s. 2.

Schedule 67

INGRAM LOCAL ROADS AREA

All those portions of the Township of Ingram in the Territorial District of Timiskaming shown outlined on Ministry of Transportation and Communications Plan N-801-3, filed in the Archives of Ontario at Toronto as No. 2476. O. Reg. 979/78, s. 5.

Schedule 68

WAY LOCAL ROADS AREA

All of the Township of Way and those portions of the Township of Lowther in the Territorial District of Cochrane shown outlined on Ministry of Transportation and Communications Plan N-325-7, filed in the Archives of Ontario at Toronto as No. 2484. O. Reg. 53/79, s. 4.

Schedule 69

SPENCE LOCAL ROADS AREA

All of the Township of Spence in the Territorial District of Parry Sound shown outlined on Ministry of Transportation and Communications Plan N-1395-1, filed in the Archives of Ontario at Toronto as No. 851. R.R.O. 1970, Reg. 571, Sched. 159.

Schedule 70

SCOLLARD LOCAL ROADS AREA

All those portions of the Township of Scollard in the Territorial District of Sudbury and that portion of the Township of Falconer in the Territorial District of Nipissing shown outlined on Ministry of Transportation and Communications Plan N-1393-2, filed in the Archives of Ontario at Toronto as No. 1873. O. Reg. 206/75, s. 3.

Schedule 71

HARRIS LAKE LOCAL ROADS AREA

All those portions of the Townships of Wallbridge, Harrison, Brown and Burton in the Territorial District of Parry Sound shown outlined on Ministry of Transportation and Communications Plan N-455-2, filed with the Record Services Office of the Ministry of Transportation and Communications at Toronto on the 21st day of January, 1980. O. Reg. 101/80, s. 10.

Schedule 72

PATTERSON LOCAL ROADS AREA

All those portions of the Township of Patterson in the Territorial District of Parry Sound shown outlined on Ministry of Transportation and Communications Plan N-630-6, filed in the Archives of Ontario at Toronto as No. 2485. O. Reg. 53/79, s. 5.

Schedule 73

MEME-SAG-AME-SING-LAKE
LOCAL ROADS AREA

All those portions of the townships of Hardy and McConkey in the Territorial District of Parry Sound shown outlined on Ministry of Transportation and Communications Plan N-1090-2, filed in the Archives of Ontario at Toronto as No. 2009. O. Reg. 335/76, s. 3.

Schedule 74

TROUT LAKE NORTH LOCAL ROADS AREA

All those portions of the townships of Cherriman, Hoskin and Servos in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-768-5, filed in the Archives of Ontario at Toronto as No. 2218. O. Reg. 898/77, s. 1.

Schedule 75

CANE LOCAL ROADS AREA

All of the Township of Cane and those portions of the townships of Auld, Barber and Tudhope in the Territorial District of Timiskaming shown outlined on Ministry of Transportation and Communications Plan N-538-4, filed in the Archives of Ontario at Toronto as No. 2477. O. Reg. 979/78, s. 6.

Schedule 76

LAURIER LOCAL ROADS AREA

All those portions of the Township of Laurier in the Territorial District of Parry Sound shown outlined on Ministry of Transportation and Communications Plan N-507-A3, filed in the Archives of Ontario at Toronto as No. 2486. O. Reg. 53/79, s. 6.

Schedule 77

FOLEYET LOCAL ROADS AREA

All those portions of the Township of Foleyet in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-1046-2, filed in the Archives of Ontario at Toronto as No. 2216. O. Reg. 812/77, s. 1.

Schedule 78

ELLSMERE LOCAL ROADS AREA

All those portions of the townships of Lyman and Notman in the Territorial District of Nipissing shown outlined on Ministry of Transportation and Communications Plan N-534-1, filed in the Archives of Ontario at Toronto as No. 1163. R.R.O. 1970, Reg. 571, Sched. 176.

Schedule 79

WATABEAG LOCAL ROADS AREA

All of the townships of McEvay and Nordica and those portions of the townships of Sheba, Tolstoi, Terry and Dunmore in the Territorial District of Timiskaming and all of the Township of McCann in the Territorial District of Cochrane shown outlined on Ministry of Transportation and Communications Plan N-1400-3, filed in the office of the Registrar of Regulations at Toronto as No. 2182. O. Reg. 194/77, s. 5.

Schedule 80

BADGEROW NO. 1 LOCAL ROADS AREA

All those portions of the Township of Badgerow in the Territorial District of Nipissing shown outlined on Ministry of Transportation and Communications Plan N-1305-B7, filed in the Archives of Ontario at Toronto as No. 2478. O. Reg. 979/78, s. 7.

Schedule 81

KUKAGAMI LOCAL ROADS AREA

All of the Township of Scadding and those portions of the townships of Street, Rathbun, Kelly and Davis in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-1404-3, filed in the Archives of Ontario at Toronto as No. 2487. O. Reg. 53/79, s. 7.

Schedule 82

STAR LAKE LOCAL ROADS AREA

All those portions of the Township of Keefer in the Territorial District of Timiskaming shown outlined on Ministry of Transportation and Communications Plan N-1103-1, filed in the Archives of Ontario at Toronto as No. 1223. R.R.O. 1970, Reg. 571, Sched. 184.

Schedule 83

DEPARTURE LAKE LOCAL ROADS AREA

All those portions of the Township of Haggart in the Territorial District of Cochrane shown outlined on Ministry of Transportation and Communications Plan N-517-1, filed in the Archives of Ontario at Toronto as No. 1253. O. Reg. 1/71, s. 3, *part*.

Schedule 84

PRINGLE LOCAL ROADS AREA

All those portions of the Township of Pringle and that portion of the Township of East Mills in the Territorial District of Parry Sound shown outlined on Ministry of Transportation and Communications Plan N-1062-4, filed in the Archives of Ontario at Toronto as No. 2011. O. Reg. 335/76, s. 5.

Schedule 85

BOURKES LOCAL ROADS AREA

All those portions of the Township of Benoit in the Territorial District of Cochrane and those portions of the Township of Maisonneville in the Territorial District of Timiskaming shown outlined on Ministry of Transportation and Communications Plan N-642-2, filed in the Archives of Ontario at Toronto as No. 2479. O. Reg. 979/78, s. 8.

Schedule 86

BASS LAKE LOCAL ROADS AREA

All those portions of the Township of Gillies Limit in the Territorial District of Timiskaming shown outlined on Ministry of Transportation and Communications Plan N-392-2, filed in the Archives of Ontario at Toronto as No. 1449. O. Reg. 19/72, s. 3.

Schedule 87

LOST CHANNEL LOCAL ROADS AREA

All that portion of the Township of Mowat and those portions of the Township of Blair in the Territorial District of Parry Sound shown outlined on Ministry of Transportation and Communications Plan N-1304-2, filed in the Archives of Ontario at Toronto as No. 2183. O. Reg. 194/77, s. 6.

Schedule 88

MERRITT LOCAL ROADS AREA

All those portions of the Township of Merritt in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-342-2, filed in the Archives of Ontario at Toronto as No. 1994. O. Reg. 76/76, s. 3.

Schedule 89

FOSTER-TRUMAN LOCAL ROADS AREA

All of the Township of Foster and those portions of the townships of Merritt and Truman in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-787-1, filed in the Archives of Ontario at Toronto as No. 1460. O. Reg. 56/72, s. 4.

Schedule 90

ROBINSON LOCAL ROADS AREA

All those portions of the Township of Robinson in the Territorial District of Manitoulin shown outlined on Ministry of Transportation and Communications Plan N-652-1, filed in the Archives of Ontario at Toronto as No. 1463. O. Reg. 100/72, s. 2.

Schedule 91

MERTON STREET LOCAL ROADS AREA

All those portions of the Township of Murchison in the Territorial District of Nipissing shown outlined on Ministry of Transportation and Communications Plan N-590-A1, filed in the Archives of Ontario at Toronto as No. 1524. O. Reg. 600/72, s. 2, *part*.

Schedule 92

McKINNON LOCAL ROADS AREA

All those portions of the Township of McKinnon in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-812-1, filed in the Archives of Ontario at Toronto as No. 1528. O. Reg. 22/73, s. 3.

Schedule 93

CRYSTAL LAKE LOCAL ROADS AREA

All those portions of the Township of Lebel in the Territorial District of Timiskaming shown outlined on Ministry of Transportation and Communications Plan N-708-1, filed in the Archives of Ontario at Toronto as No. 1540. O. Reg. 248/73, s. 2, *part*.

Schedule 94

DICKENS LOCAL ROADS AREA

All those portions of the Township of Dickens in the Territorial District of Nipissing shown outlined on Ministry of Transportation and Communications Plan N-583-2, filed in the Archives of Ontario at Toronto as No. 1935. O. Reg. 696/75, s. 4.

Schedule 95

BIDWELL LAKE LOCAL ROADS AREA

All that portion of the Township of Gladman in the Territorial District of Nipissing shown outlined on Ministry of Transportation and Communications Plan N-537-1, filed in the Archives of Ontario at Toronto as No. 1622. O. Reg. 802/73, s. 2.

Schedule 96

BRYCE LOCAL ROADS AREA

All those portions of the Township of Bryce in the Territorial District of Timiskaming shown outlined on Ministry of Transportation and Communications Plan N-1446-1, filed in the Archives of Ontario at Toronto as No. 1647. O. Reg. 120/74, s. 4.

Schedule 97

TILDEN LAKE LOCAL ROADS AREA

All those portions of the townships of Lyman and Notman in the Territorial District of Nipissing shown outlined on Ministry of Transportation and Communications Plan N-534-A4, filed in the Archives of Ontario at Toronto as No. 2480. O. Reg. 979/78, s. 9.

Schedule 98

KITIGAN LOCAL ROADS AREA

All those portions of the Township of O'Brian in the Territorial District of Cochrane shown outlined on Ministry of Transportation and Communications Plan N-406-2, filed in the Archives of Ontario at Toronto as No. 2224. O. Reg. 166/78, s. 4.

Schedule 99

WILLISVILLE LOCAL ROADS AREA

All that portion of the Township of Curtin and the surrendered portion of the Whitefish River Indian Reserve No. 4 in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-874-1, filed in the Archives of Ontario at Toronto as No. 1877. O. Reg. 327/75, s. 2, *part*.

Schedule 100

WALLBRIDGE LOCAL ROADS AREA

All those portions of the Township of Wallbridge and certain islands in the vicinity of the Township of Wallbridge in the Territorial District of Parry Sound shown outlined on Ministry of Transportation and Communications Plan N-455-A1, filed in the Archives of Ontario at Toronto as No. 1878. O. Reg. 327/75, s. 2, *part*.

Schedule 101

WEST RIVERSIDE LOCAL ROADS AREA

All that portion of the Township of Owens in the Territorial District of Cochrane shown outlined on Ministry of Transportation and Communications Plan N-410-A1, filed in the Archives of Ontario at Toronto as No. 1927. O. Reg. 475/75, s. 2, *part*.

Schedule 102

SOUTH SEGUIN ESTATES LOCAL
ROADS AREA

All those portions of the Township of Monteith in the Territorial District of Parry Sound shown outlined on Ministry of Transportation and Communications Plan N-1086-A2, filed in the Archives of Ontario at Toronto as No. 2225. O. Reg. 166/78, s. 5.

Schedule 103

HAWLEY LOCAL ROADS AREA

All those portions of the Township of Hawley in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-1440-1, filed in the Archives of Ontario at Toronto as No. 2005. O. Reg. 204/76, s. 4.

Schedule 104

AWREY NORTH LOCAL ROADS AREA

All those portions of the townships of Awrey and Street in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-687-1, filed in the Archives of Ontario at Toronto as No. 2012. O. Reg. 335/76, s. 6.

Schedule 105

MILLS AND HARDY LOCAL ROADS AREA

All those portions of the townships of East Mills, Hardy and Wilson in the Territorial District of Parry Sound shown outlined on Ministry of Transportation and Communications Plan N-1088-2, filed in the Archives of Ontario at Toronto as No. 2226. O. Reg. 166/78, s. 6.

Schedule 106

ONAPING LAKE LOCAL ROADS AREA

All of the townships of Emo, Fairbairn, Munster and Onaping in those portions of the Township of Ulster in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-1141-1, filed in the Archives of Ontario at Toronto as No. 2185. O. Reg. 194/77, s. 7, *part*.

Schedule 107

MARQUIS LOCAL ROADS AREA

All those portions of the townships of Blain, Marquis, Otto and Pacaud in the Territorial District of Timiskaming shown outlined on Ministry of Transportation and Communications Plan N-447-1, filed in the Archives of Ontario at Toronto as No. 2239. O. Reg. 256/78, s. 3.

portation and Communications Plan N-447-1, filed in the Archives of Ontario at Toronto as No. 2239. O. Reg. 256/78, s. 3.

Schedule 108

GOGAMA LOCAL ROADS AREA

All those portions of the townships of Jack and Noble in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-1027-2, filed with the Record Services Office of the Ministry of Transportation and Communications at Toronto on the 16th day of May, 1980. O. Reg. 428/80, s. 1.

Schedule 109

CHAIN LAKE LOCAL ROADS AREA

All that portion of the Township of Awrey in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-687-A1, filed in the Archives of Ontario at Toronto as No. 2471. O. Reg. 881/78, s. 1, *part*.

Schedule 110

AWREY SOUTH LOCAL ROADS AREA

All that portion of the Township of Awrey in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-687-B1, filed in the Archives of Ontario at Toronto as No. 2522. O. Reg. 470/79, s. 3.

Schedule 111

LANG LAKE ASSOCIATION LOCAL ROADS AREA

All that portion of the townships of Curtin and Roosevelt and the surrendered portion of the Whitefish River Indian Reserve (No. 4) in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-874-A1 filed with the Record Services Office of the Ministry of Transportation and Communications at Toronto on the 28th day of February, 1980. O. Reg. 299/80, s. 3.

REGULATION 599

under the Local Roads Boards Act

ESTABLISHMENT OF LOCAL ROADS AREAS—NORTHWESTERN REGION

1. In this Regulation, "township" means geographic township. R.R.O. 1970, Reg. 571, s. 1.

2. The areas described in the schedules are established as local roads areas. R.R.O. 1970, Reg. 571, s. 2.

3. The roads shown as local roads on a plan referred to in a Schedule are designated as the local roads included in the local roads area described in the Schedule. R.R.O. 1970, Reg. 571, s. 3.

Schedule 1

INGLIS LAKE LOCAL ROADS AREA

All that portion of unsurveyed territory in the Territorial District of Kenora lying south of the Township of Pellatt shown outlined on Ministry of Transportation and Communications Plan N-3000-3, filed in the Archives of Ontario at Toronto as No. 768. R.R.O. 1970, Reg. 571, Sched. 1.

Schedule 2

PATTON AND MONTGOMERY LOCAL ROADS AREA

All of the Township of Patton and that portion of the Township of Montgomery, in the Territorial District of Algoma shown outlined on Ministry of Transportation and Communications Plan N-828-1, filed in the Archives of Ontario at Toronto as No. 598. R.R.O. 1970, Reg. 571, Sched. 4.

Schedule 3

WARE LOCAL ROADS AREA

All of the Township of Ware and that portion of the Dawson Road Lots in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-1019-3, filed in the Archives of Ontario at Toronto as No. 2520. O. Reg. 470/79, s. 1.

Schedule 4

STRIKER LOCAL ROADS AREA

All those portions of the Township of Striker in the Territorial District of Algoma shown outlined on

Ministry of Transportation and Communications Plan N-357-3, filed with the Record Services Office of the Ministry of Transportation and Communications at Toronto on the 4th day of February, 1980. O. Reg. 147/80, s. 1.

Schedule 5

CRESCENT POINT LOCAL ROADS AREA

All that portion of the Township of Conacher in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-732-2, filed in the Archives of Ontario at Toronto as No. 2513. O. Reg. 265/79, s. 1.

Schedule 6

INWOOD LOCAL ROADS AREA

All those portions of the Township of Inwood and unsurveyed territory lying south of the Township of Inwood and all that portion of the Township of Joynt in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-6000-5, filed in the Archives of Ontario at Toronto as No. 2190. O. Reg. 239/77, s. 1.

Schedule 7

UPSALA LOCAL ROADS AREA

All of the Township of Upsala in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-623-2, filed in the Archives of Ontario at Toronto as No. 2203. O. Reg. 298/77, s. 1, *part*.

Schedule 8

SIBLEY LOCAL ROADS AREA

All those portions of the Township of Sibley in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-1302-3, filed in the Archives of Ontario at Toronto as No. 2521. O. Reg. 470/79, s. 2.

Schedule 9

RED PINE RIDGE LOCAL ROADS AREA

All those portions of the townships of Boys and Forgie in the Territorial District of Kenora shown outlined

on Ministry of Transportation and Communications Plan N-508-A1, filed in the Archives of Ontario at Toronto as No. 2191. O. Reg. 239/77, s. 2.

Schedule 10

JACQUES LOCAL ROADS AREA

All of the Township of Jacques in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-1303-2, filed in the Archives of Ontario at Toronto as No. 2192. O. Reg. 239/77, s. 3, *part*.

Schedule 11

FOWLER LOCAL ROADS AREA

All of the Township of Fowler in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-1020-2, filed in the Archives of Ontario at Toronto as No. 2193. O. Reg. 239/77, s. 3, *part*.

Schedule 12

LYON LOCAL ROADS AREA

All that portion of the Township of Lyon in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-741-1, filed in the Archives of Ontario at Toronto as No. 614. R.R.O. 1970, Reg. 571, Sched. 15.

Schedule 13

VANKOUGHNET AND AWERES LOCAL ROADS AREA

All those portions of the townships of VanKoughnet, Aweres and Havilland in the Territorial District of Algoma shown outlined on Ministry of Transportation and Communications Plan N-918-6, filed with the Record Services Office of the Ministry of Transportation and Communications at Toronto on the 28th day of April, 1980. O. Reg. 401/80, s. 1.

Schedule 14

ABERDEEN AND MCMAHON LOCAL ROADS AREA

All of the Township of Aberdeen and that portion of the Township of McMahon in the Territorial District of Algoma shown outlined on Ministry of Transportation and Communications Plan N-1309-4, filed with the Record Services Office of the Ministry of Transportation and Communications at Toronto on the 4th day of February, 1980. O. Reg. 147/80, s. 2.

Schedule 15

GORHAM LOCAL ROADS AREA

All of the Township of Gorham in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-735-2, filed in the Archives of Ontario at Toronto as No. 2194. O. Reg. 239/77, s. 3, *part*.

Schedule 16

STIRLING LOCAL ROADS AREA

All that portion of the Township of Stirling in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-460-2, filed with the Record Services Office of the Ministry of Transportation and Communications at Toronto on the 27th day of March, 1980. O. Reg. 311/80, s. 1.

Schedule 17

GAUDETTE AND HODGINS LOCAL ROADS AREA

All those portions of the townships of Gaudette and Hodgins in the Territorial District of Algoma shown outlined on Ministry of Transportation and Communications Plan N-1096-2, filed in the Archives of Ontario at Toronto as No. 1850. O. Reg. 1/75, s. 1, *part*.

Schedule 18

HAWK JUNCTION LOCAL ROADS AREA

All those portions of the townships of Fiddler and Esquega in the Territorial District of Algoma, shown outlined on Ministry of Transportation and Communications Plan N-682-4, filed in the Archives of Ontario at Toronto as No. 2514. O. Reg. 265/79, s. 2.

Schedule 19

PORTAGE BAY LOCAL ROADS AREA

All those portions of the townships of Haines and Hagey in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-736-4, filed in the Archives of Ontario at Toronto as No. 2213. O. Reg. 663/77, s. 1.

Schedule 20

RUSH BAY-WOODCHUCK BAY LOCAL ROADS AREA

All those portions of the townships of Forgie, Boys and Glass and unsurveyed territory and

certain islands in the vicinity of Glass Township in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-506-7, filed in the Archives of Ontario at Toronto as No. 2195. O. Reg. 239/77, s. 4.

Schedule 21

ENA LAKE LOCAL ROADS AREA

All those portions of the Township of Redditt and unsurveyed territory, lying west of the Township of Redditt, in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-3000-2, filed in the Archives of Ontario at Toronto as No. 657. R.R.O. 1970, Reg. 571, Sched. 39.

Schedule 22

KABAIGON BAY LOCAL ROADS AREA

All that portion of the Township of Haines in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-736-A3, filed in the Archives of Ontario at Toronto as No. 2196. O. Reg. 239/77, s. 5, *part*.

Schedule 23

RINTA'S LOCAL ROADS AREA

All that portion of the Township of Lindsley in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-900-1, filed in the Archives of Ontario at Toronto as No. 665. R.R.O. 1970, Reg. 571, Sched. 47.

Schedule 24

PEARSON LOCAL ROADS AREA

All of the Township of Pearson in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-1346-2, filed in the Archives of Ontario at Toronto as No. 2241. O. Reg. 381/78, s. 1, *part*.

Schedule 25

FENWICK, PENNEFATHER AND VANKOUGHNET LOCAL ROADS AREA

All those portions of the townships of Fenwick, Pennefather and VanKoughnet in the Territorial District of Algoma shown outlined on Ministry of Transportation and Communications Plan N-919-6, filed in the Archives of Ontario at Toronto as No. 2518. O. Reg. 373/79, s. 2.

Schedule 26

WHITE MOOSE LOCAL ROADS AREA

All that portion of the Township of Devonshire in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-875-4, filed in the Archives of Ontario at Toronto as No. 1509. O. Reg. 478/72, s. 1.

Schedule 27

CAMP 25 LOCAL ROADS AREA

All that portion of the Township of Croll in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-999-1, filed in the Archives of Ontario at Toronto as No. 673. R.R.O. 1970, Reg. 571, Sched. 55.

Schedule 28

FORBES LOCAL ROADS AREA

All of the Township of Forbes in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-734-1, filed in the Archives of Ontario at Toronto as No. 674. R.R.O. 1970, Reg. 571, Sched. 56.

Schedule 29

PINE RIDGE LOCAL ROADS AREA

All that portion of the Township of Hagey in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-791-2, filed in the Archives of Ontario at Toronto as No. 1442. O. Reg. 19/72, s. 1.

Schedule 30

LYBSTER LOCAL ROADS AREA

All of the Township of Lybster in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-1104-2, filed in the Archives of Ontario at Toronto as No. 1621. O. Reg. 802/73, s. 1.

Schedule 31

ABRAMS LAKE LOCAL ROADS AREAS

All that portion of the Township of Drayton in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-633-1, filed in the Archives of Ontario at Toronto as No. 683. R.R.O. 1970, Reg. 571, Sched. 63.

Schedule 32

REEF POINT LOCAL ROADS AREA

All those portions of the Township of Watten in the Territorial District of Rainy River shown outlined on Ministry of Transportation and Communications Plan N-1015-5, filed in the Archives of Ontario at Toronto as No. 2014. O. Reg. 370/76, s. 2.

Schedule 33

SHEBANDOWAN LAKE LOCAL ROADS AREA

All those portions of the Township of Conacher in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-732-A4, filed in the Archives of Ontario at Toronto as No. 1845. O. Reg. 869/74, s. 1.

Schedule 34

ROSSMERE BAY LOCAL ROADS AREA

All that portion of the Township of Hagey in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-791-3, filed in the Archives of Ontario at Toronto as No. 699. R.R.O. 1970, Reg. 571, Sched. 77.

Schedule 35

KENRICIA LOCAL ROADS AREA

All those portions of unsurveyed territory lying south of the Township of Pellatt in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-3000-B4, filed in the Archives of Ontario at Toronto as No. 2007. O. Reg. 335/76, s. 1.

Schedule 36

MARKS LOCAL ROADS AREA

All of the Township of Marks in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-1358-2, filed with the Record Services Office of the Ministry of Transportation and Communications at Toronto on the 4th day of February, 1980. O. Reg. 147/80, s. 3.

Schedule 37

BLINDFOLD LAKE LOCAL ROADS AREA

All that portion of the Township of Kirkup in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-498-2, filed in the Archives of Ontario at Toronto as No. 2197. O. Reg. 239/77, s. 5, *part*.

Schedule 38

HARDWICK LOCAL ROADS AREA

All of the Township of Hardwick in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-1110-2, filed with the Record Services Office of the Ministry of Transportation and Communications at Toronto on the 4th day of February, 1980. O. Reg. 147/80, s. 4.

Schedule 39

KENDALL INLET LOCAL ROADS AREA

All that portion of unsurveyed territory in the Territorial District of Kenora lying south of the Township of Pellatt shown outlined on Ministry of Transportation and Communications Plan N-3000-C1, filed in the Archives of Ontario at Toronto as No. 726. R.R.O. 1970, Reg. 571, Sched. 88.

Schedule 40

ARMSTRONG LOCAL ROADS AREA

All that portion of unsurveyed territory in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-6000-B3, filed with the Record Services Office of the Ministry of Transportation and Communications at Toronto on the 4th day of February, 1980. O. Reg. 147/80, s. 5.

Schedule 41

COLONIZATION LOCAL ROADS AREA

All that portion of the Township of Cobden in the Territorial District of Algoma shown outlined on Ministry of Transportation and Communications Plan N-360-3, filed with the Record Services Office of the Ministry of Transportation and Communications at Toronto on the 4th day of February, 1980. O. Reg. 147/80, s. 6.

Schedule 42

BEAVER BAY LOCAL ROADS AREA

All that portion of the Township of Hagey in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-791-B1, filed in the Archives of Ontario at Toronto as No. 745. R.R.O. 1970, Reg. 571, Sched. 98.

Schedule 43

MacDIARMID LOCAL ROADS AREA

All that portion of the Township of Kilkenny in the Territorial District of Thunder Bay shown outlined on

Ministry of Transportation and Communications Plan N-295-2, filed in the Archives of Ontario at Toronto as No. 2529. O. Reg. 657/79, s. 1.

Schedule 44

STRANGE LOCAL ROADS AREA

All of the Township of Strange in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-1111-2, filed in the Archives of Ontario at Toronto as No. 1591. O. Reg. 760/73, s. 1, *part*.

Schedule 45

SHERWOOD LAKE LOCAL ROADS AREA

All of those portions of the townships of Broderick, Gidley and Forgie in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-506-A1, filed in the Archives of Ontario at Toronto as No. 754. R.R.O. 1970, Reg. 571, Sched. 103.

Schedule 46

MARION LAKE LOCAL ROADS AREA

All that portion of unsurveyed territory in the Territorial District of Rainy River lying south of the Township of Trotter, shown outlined on Ministry of Transportation and Communications Plan N-5000-2, filed with the Record Services Office of the Ministry of Transportation and Communications at Toronto on the 5th day of March, 1980. O. Reg. 256/80, s. 1.

Schedule 47

GALBRAITH-MORIN LOCAL ROADS AREA

All of the Township of Galbraith and that portion of the Township of Morin in the Territorial District of Algoma shown outlined on Ministry of Transportation and Communications Plan N-1371-2, filed in the Archives of Ontario at Toronto as No. 780. R.R.O. 1970, Reg. 571, Sched. 109.

Schedule 48

DAWSON ROAD—GOLDIE LOCAL ROADS AREA

All those portions of the townships of Goldie and Blackwell and the Dawson Road Lots and Locations JK.159, JK.161, JK.162 and Gravel Pit, in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-600-A3, filed with the Record Services Office of the Ministry of Transportation and Communications at Toronto on the 5th day of March, 1980. O. Reg. 256/80, s. 2.

Schedule 49

SCOBLE LOCAL ROADS AREA

All of the Township of Scoble in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-744-3, filed in the Archives of Ontario at Toronto as No. 1490. O. Reg. 140/72, s. 1.

Schedule 50

SUNNY SLOPES LOCAL ROADS AREA

All those portions of the townships of Conacher and Hagey in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-732-B1, filed in the Archives of Ontario at Toronto as No. 775. R.R.O. 1970, Reg. 571, Sched. 119.

Schedule 51

ROSSPORT LOCAL ROADS AREA

All those portions of the Township of Lahontan in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-465-2, filed in the Archives of Ontario at Toronto as No. 1938. O. Reg. 720/75, s. 1, *part*.

Schedule 52

MOOSE HORN LOCAL ROADS AREA

All that portion of the Township of Drayton in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-633-A3, filed in the Archives of Ontario at Toronto as No. 1527. O. Reg. 22/73, s. 2.

Schedule 53

SAVANT LAKE LOCAL ROADS AREA

All that portion of unsurveyed territory and Savant Lake Townsite in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-6000-C2, filed in the Archives of Ontario at Toronto as No. 2205. O. Reg. 298/77, s. 1, *part*.

Schedule 54

DEWART LOCAL ROADS AREA

All of the Township of Dewart in the Territorial District of Rainy River shown outlined on Ministry of Transportation and Communications Plan N-1384-1, filed in the Archives of Ontario at Toronto as No. 788. R.R.O. 1970, Reg. 571, Sched. 127.

Schedule 55

POLLY LAKE LOCAL ROADS AREA

All those portions of the townships of Booth and Ledger and that portion of unsurveyed territory, lying south of the Township of Ledger in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-731-1, filed in the Archives of Ontario at Toronto as No. 798. R.R.O. 1970, Reg. 571, Sched. 131.

Schedule 56

BRITTON LOCAL ROADS AREA

All of the Township of Britton and those portions of the Township of Wainwright in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-710-2, filed in the Archives of Ontario at Toronto as No. 2206. O. Reg. 298/77, s. 1, *part*.

Schedule 57

MCCALLUM POINT LOCAL ROADS AREA

All that portion of the Township of Boys in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-508-1, filed in the Archives of Ontario at Toronto as No. 822. R.R.O. 1970, Reg. 571, Sched. 146.

Schedule 58

DRAYTON RESERVE LOCAL ROADS AREA

All those portions of the Township of Drayton in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-633-B3, filed in the Archives of Ontario at Toronto as No. 1872. O. Reg. 206/75, s. 2.

Schedule 59

REDDITT LOCAL ROADS AREA

All that portion of the Township of Redditt in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-689-3, filed with the Record Services Office of the Ministry of Transportation and Communications at Toronto on the 4th day of February, 1980. O. Reg. 147/80, s. 7.

Schedule 60

TILLEY LOCAL ROADS AREA

All that portion of the Township of Tilley in the Territorial District of Algoma shown outlined on Ministry of Transportation and Communications Plan

N-921-2, filed in the Archives of Ontario at Toronto as No. 2207. O. Reg. 298/77, s. 1, *part*.

Schedule 61

MINAKI LOCAL ROADS AREA

All that portion of unsurveyed territory lying north of the Township of Umbach in the Territorial District of Kenora, shown outlined on Ministry of Transportation and Communications Plan N-3000-D3, filed in the Archives of Ontario at Toronto as No. 1863. O. Reg. 475/75, s. 1.

Schedule 62

VAN HORNE LOCAL ROADS AREA

All that portion of the Township of Van Horne in the Territorial District of Kenora, shown outlined on Ministry of Transportation and Communications Plan N-487-2, filed in the Archives of Ontario at Toronto as No. 2230. O. Reg. 226/78, s. 1, *part*.

Schedule 63

JELLICOE LOCAL ROADS AREA

All that portion of the Township of Leduc in the Territorial District of Thunder Bay, shown outlined on Ministry of Transportation and Communications Plan N-898-1, filed in the Archives of Ontario at Toronto as No. 853. R.R.O. 1970, Reg. 571, Sched. 161.

Schedule 64

WABIGOON AND REDVERS WEST
LOCAL ROADS AREA

All those portions of the townships of Wabigoon and Redvers in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-694-1, filed in the Archives of Ontario at Toronto as No. 912. R.R.O. 1970, Reg. 571, Sched. 162.

Schedule 65

PELLATT NO. 2 LOCAL ROADS AREA

All those portions of the townships of Pellatt and Umbach in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-505-3, filed in the Archives of Ontario at Toronto as No. 1298. O. Reg. 97/71, s. 4.

Schedule 66

NELLES LOCAL ROADS AREA

All of the Township of Nelles in the Territorial District of Rainy River shown outlined on Ministry of Transportation and Communications Plan N-1396-1, filed in the Archives of Ontario at Toronto as No. 929. R.R.O. 1970, Reg. 571, Sched. 167.

Schedule 67

PRATT LOCAL ROADS AREA

All of the Township of Pratt in the Territorial District of Rainy River shown outlined on Ministry of Transportation and Communications Plan N-650-2, filed in the Archives of Ontario at Toronto as No. 2242. O. Reg. 381/78, s. 1, *part*.

Schedule 68

SUTHERLAND LOCAL ROADS AREA

All of the Township of Sutherland in the Territorial District of Rainy River shown outlined on Ministry of Transportation and Communications Plan N-1397-1, filed in the Archives of Ontario at Toronto as No. 937. R.R.O. 1970, Reg. 571, Sched. 171.

Schedule 69

NORTHLAND LAKE LOCAL ROADS AREA

All those portions of the townships of Deroche and Jarvis in the Territorial District of Algoma shown outlined on Ministry of Transportation and Communications Plan N-1008-1, filed in the Archives of Ontario at Toronto as No. 1199. R.R.O. 1970, Reg. 571, Sched. 178.

Schedule 70

ZEALAND NO. 1 LOCAL ROADS AREA

All of the Township of Zealand and those portions of the Township of Southworth in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-479-3, filed in the Archives of Ontario at Toronto as No. 2010. O. Reg. 335/76, s. 4.

Schedule 71

MISCAMPBELL LOCAL ROADS AREA

All those portions of the Township of Miscampbell in the Territorial District of Rainy River shown outlined on Ministry of Transportation and Communications Plan N-950-1, filed in the Archives of Ontario at Toronto as No. 1205. R.R.O. 1970, Reg. 571, Sched. 181.

Schedule 72

CLEARWATER LAKE LOCAL ROADS AREA

All those portions of the townships of Senn and Fleming in the Territorial District of Rainy River shown outlined on Ministry of Transportation and Communications Plan N-1467-1, filed in the Archives of Ontario at Toronto as No. 1533. O. Reg. 85/73, s. 2.

Schedule 73

FIRE HILL LOCAL ROADS AREA

All of that portion of the Township of Corrigan in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-459-2, filed in the Archives of Ontario at Toronto as No. 1939. O. Reg. 720/75, s. 2.

Schedule 74

WHITESAND LAKE LOCAL ROADS AREA

All that portion of the Township of Killrairie in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-467-2, filed in the Archives of Ontario at Toronto as No. 1940. O. Reg. 720/75, s. 3.

Schedule 75

SUNSET LAKE LOCAL ROADS AREA

All those portions of the Township of Lismore in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-1411-1, filed in the Archives of Ontario at Toronto as No. 1282. O. Reg. 43/71, s. 2, *part*.

Schedule 76

MCINTOSH LOCAL ROADS AREA

All those portions of the townships of Smellie and Bridges and that portion of unsurveyed territory lying north and west of the Township of Smellie in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-723-3, filed with the Record Services Office of the Ministry of Transportation and Communications at Toronto on the 27th day of March, 1980. O. Reg. 311/80, s. 2.

Schedule 77

ROWELL LOCAL ROADS AREA

All those portions of the townships of Rowell and Ladysmith and that portion of unsurveyed territory lying north of the Township of Rowell in the Territorial District of Kenora shown outlined

on Ministry of Transportation and Communications Plan N-1055-2, filed in the Archives of Ontario at Toronto as No. 1549. O. Reg. 266/73, s. 4.

Schedule 78

WAINWRIGHT LOCAL ROADS AREA

All that portion of the Township of Wainwright and that portion of the Township of Eton in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-488-3, filed in the Archives of Ontario at Toronto as No. 2208. O. Reg. 298/77, s. 2.

Schedule 79

SIFTON LOCAL ROADS AREA

All those portions of the Township of Sifton in the Territorial District of Rainy River shown outlined on Ministry of Transportation and Communications Plan N-1042-1, filed in the Archives of Ontario at Toronto as No. 1345. O. Reg. 127/71, s. 4, *part*.

Schedule 80

HORSESHOE BAY LOCAL ROADS AREA

All that portion of the Township of Ley in the Territorial District of Algoma shown outlined on Ministry of Transportation and Communications Plan N-1459-4, filed with the Record Services Office of the Ministry of Transportation and Communications at Toronto on the 5th day of March, 1980. O. Reg. 256/80, s. 3.

Schedule 81

NORTHWEST ARROW LAKE LOCAL ROADS AREA

All of the unsurveyed territory lying west of the Township of Hardwick in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-6000-D1, filed in the Archives of Ontario at Toronto as No. 1439. O. Reg. 542/71, s. 2.

Schedule 82

MABELLA LOCAL ROADS AREA

All that portion of the Township of Blackwell in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-730-1, filed in the Archives of Ontario at Toronto as No. 1451. O. Reg. 19/72, s. 4.

Schedule 83

MUNRO POINT LOCAL ROADS AREA

All those portions of the Township of Hagey in the Territorial District of Thunder Bay shown

outlined on Ministry of Transportation and Communications Plan N-791-C2, filed in the Archives of Ontario at Toronto as No. 1534. O. Reg. 85/73, s. 3.

Schedule 84

ETON LOCAL ROADS AREA

All those portions of the Township of Eton in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-481-1, filed in the Archives of Ontario at Toronto as No. 1492. O. Reg. 177/72, s. 1.

Schedule 85

ZEALAND NO. 3 LOCAL ROADS AREA

All those portions of the Township of Zealand (Addition) in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-479-A3, filed in the Archives of Ontario at Toronto as No. 2231. O. Reg. 226/78, s. 2.

Schedule 86

HICKS LAKE LOCAL ROADS AREA

All that portion of unsurveyed territory lying north of the Township of MacGregor in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-6000-E1, filed in the Archives of Ontario at Toronto as No. 1513. O. Reg. 562/72, s. 1, Sched. 208.

Schedule 87

MUTRIE LOCAL ROADS AREA

All that portion of the Township of Mutrie in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-485-3, filed in the Archives of Ontario at Toronto as No. 2519. O. Reg. 373/79, s. 3.

Schedule 88

ROLLAND LAKE LOCAL ROADS AREA

All of that portion of the Township of Leduc in the Territorial District of Thunder Bay shown outlined on Ministry of Transportation and Communications Plan N-898-A1, filed in the Archives of Ontario at Toronto as No. 1525. O. Reg. 600/72, s. 2, *part*.

Schedule 89

HUDSON LOCAL ROADS AREA

All that portion of the Township of Vermilion Additional in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-724-2, filed in the Archives of Ontario at Toronto as No. 2210. O. Reg. 298/77, s. 4.

Schedule 90

FOREST DRIVE LOCAL ROADS AREA

All those portions of the Township of Drayton, in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-633-C1, filed in the Archives of Ontario at Toronto as No. 1651. O. Reg. 205/74, s. 5, *part*.

Schedule 91

KAKAGI LAKE LOCAL ROADS AREA

All that portion of unsurveyed territory lying north of the Township of Godson, in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-3000-E1, filed in the Archives of Ontario at Toronto as No. 1652. O. Reg. 205/74, s. 5, *part*.

Schedule 92

TANNIS LAKE LOCAL ROADS AREA

All those portions of the townships of Gundy and Ewart in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-1466-2, filed in the Archives of Ontario at Toronto as No. 2198. O. Reg. 239/77, s. 6.

Schedule 93

SABASKONG BAY LOCAL ROADS AREA

All that portion of the Township of Godson in the Territorial District of Kenora, shown outlined on Ministry of Transportation and Communications Plan N-713-3, filed in the Archives of Ontario at Toronto as No. 2232. O. Reg. 226/78, s. 3.

Schedule 94

WABOS LOCAL ROADS AREA

All those portions of the townships of Shields and Gaudette in the Territorial District of Algoma shown outlined on Ministry of Transportation and Communications Plan N-1311-1, filed in the Archives of Ontario at Toronto as No. 1926. O. Reg. 475/75, s. 2, *part*.

Schedule 95

STORM BAY LOCAL ROADS AREA

All that portion of the Township of Kirkup in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-498-A4, filed with the Record Services Office of the Ministry of Transportation and Communications at Toronto on the 27th day of March, 1980. O. Reg. 311/80, s. 3.

Schedule 96

MINE CENTRE LOCAL ROADS AREA

All those portions of unsurveyed territory lying east of the Township of Farrington in the Territorial District of Rainy River shown outlined on Ministry of Transportation and Communications Plan N-5000-B1, filed in the Archives of Ontario at Toronto as No. 1929. O. Reg. 477/75, s. 1.

Schedule 97

PERCH LAKE LOCAL ROADS AREA

All of that portion of the Township of Baker and unsurveyed territory lying south of the Township of Baker in the Territorial District of Rainy River shown outlined on Ministry of Transportation and Communications Plan N-5000-C1, filed in the Archives of Ontario at Toronto as No. 1931. O. Reg. 583/75, s. 3.

Schedule 98

UMFREVILLE LOCAL ROADS AREA

All those portions of the townships of Drayton, Factor and Slaght and the Grand Trunk Pacific Block No. 9 in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-633-D1, filed in the Archives of Ontario at Toronto as No. 1955. O. Reg. 76/76, s. 4.

Schedule 99

BIGSTONE BAY LOCAL ROADS AREA

All that portion of the Township of Kirkup in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-498-B1, filed in the Archives of Ontario at Toronto as No. 2015. O. Reg. 370/76, s. 4, *part*.

Schedule 100

MELGUND LOCAL ROADS AREA

All those portions of the Township of Melgund in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-484-1, filed in the Archives of Ontario at Toronto as No. 2016. O. Reg. 370/76, s. 4, *part*.

Schedule 101

SOUTHWORTH LOCAL ROADS AREA

All that portion of the Township of Southworth in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-472-3, filed in the Archives of Ontario at Toronto as No. 2233. O. Reg. 226/78, s. 4.

Schedule 102**WABIGOON SOUTHEAST LOCAL ROADS
AREA**

All those portions of the Township of Wabigoon in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-694-A1, filed in the Archives of Ontario at Toronto as No. 2018. O. Reg. 432/76, s. 1.

Schedule 103**STRIKER AND COBDEN LOCAL
ROADS AREA**

All those portions of the townships of Striker and Cobden in the Territorial District of Algoma shown outlined on Ministry of Transportation and Communications Plan N-357-A1, filed in the Archives of Ontario at Toronto as No. 2234. O. Reg. 226/78, s. 5, *part*.

Schedule 104**DEVIL'S LAKE LOCAL ROADS AREA**

All those portions of the townships of Whitman, Daumont and Hodgins in the Territorial District of Algoma shown outlined on Ministry of Transportation and Communications Plan N-1510-1, filed in the Archives of Ontario at Toronto as No. 2235. O. Reg. 226/78, s. 5, *part*.

Schedule 105**GOULAIS MISSION LOCAL ROADS AREA**

All those portions of the townships of Ley, Kars, Fenwick and Dennis in the Territorial District of Algoma shown outlined on Ministry of Transportation and Communications Plan N-1432-1, filed in the Archives of Ontario at Toronto as No. 2240. O. Reg. 281/78, s. 1.

Schedule 106**MADSEN LOCAL ROADS AREA**

All that portion of the Township of Baird in the Territorial District of Kenora (Patricia Portion)

shown outlined on Ministry of Transportation and Communications Plan N-1155-1, filed in the Archives of Ontario at Toronto as No. 2243. O. Reg. 402/78, s. 1.

Schedule 107**WHARNCLIFFE LOCAL ROADS AREA**

All that portion of the Township of Wells in the Territorial District of Algoma shown outlined on Ministry of Transportation and Communications Plan N-944-1, filed in the Archives of Ontario at Toronto as No. 2469. O. Reg. 866/78, s. 1.

Schedule 108**McKENZIE PORTAGE LOCAL ROADS AREA**

All that portion of unsurveyed territory in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-3000-F1, filed in the Archives of Ontario at Toronto as No. 2530. O. Reg. 689/79, s. 1.

Schedule 109**SULTAN LOCAL ROADS AREA**

All that portion of the Township of Kaplan in the Territorial District of Sudbury shown outlined on Ministry of Transportation and Communications Plan N-1497-2, filed with the Record Services Office of the Ministry of Transportation and Communications at Toronto on the 4th day of February, 1980. O. Reg. 147/80, s. 8.

Schedule 110**WAR EAGLE LOCAL ROADS AREA**

All that portion of unsurveyed territory in the Territorial District of Kenora shown outlined on Ministry of Transportation and Communications Plan N-3000-G1, filed with the Record Services Office of the Ministry of Transportation and Communications at Toronto on the 4th day of February, 1980. O. Reg. 147/80, s. 9.

REGULATION 600

under the Local Roads Boards Act

GENERAL

1.—(1) The declaration of office of a person elected or appointed to a board shall be in Form 1.

(2) The declaration of office of a person appointed secretary-treasurer of a board shall be in Form 2. R.R.O. 1970, Reg. 572, s. 1.

2. A petition under subsection 7 (7) of the Act shall be in Form 3. R.R.O. 1970, Reg. 572, s. 2.

3. The costs to be paid under subsection 35 (1) of the Act are \$20. R.R.O. 1970, Reg. 572, s. 3.

4. A caution filed under subsection 35 (1) of the Act shall be in,

- (a) Form 4, where the caution is filed in a land registry office for a land titles division; and
- (b) Form 5, where the caution is filed in a land registry office for a registry division. R.R.O. 1970, Reg. 572, s. 4.

5. A withdrawal of a caution filed under subsection 35 (1) of the Act shall be in,

- (a) Form 6, where the withdrawal is filed in a land registry office for a land titles division; and
- (b) Form 7, where the withdrawal is filed in a land registry office for a registry division. R.R.O. 1970, Reg. 572, s. 5.

6. A notice to an owner sent by registered mail under subsection 35 (1) of the Act shall be in Form 8. R.R.O. 1970, Reg. 572, s. 6.

7. The dimensions of Forms 4, 5, 6, 7 and 8 shall be not less than eight inches by thirteen and one-half inches and not greater than eight and one-half inches by fourteen inches and the forms shall be written, typed or printed on one side of paper of good quality. R.R.O. 1970, Reg. 572, s. 7.

Form 1

Local Roads Boards Act

TRUSTEE'S DECLARATION OF OFFICE

I, do hereby declare that I am of the full age of eighteen years,

a Canadian citizen and the owner of Lot....., in

Concession....., of the Township of.....

....., in respect of which no taxes of a preceding year or years payable under the *Local Roads Boards Act* are in arrears, and I do hereby promise and declare that I will truly, faithfully, and impartially to the best of my knowledge and ability, execute the office of Trustee of the Local

Roads Board for the.....Local Roads Area, and that I have not received and I will not receive any payment or reward, or promise thereof for the exercise of any partiality or malversation or other undue execution of the said office.

IN WITNESS WHEREOF I have hereunto subscribed my name this....day of.....

19....

Signed by the above named

in the presence of:

.....
R.R.O. 1970, Reg. 572, Form 1.

Form 2

Local Roads Boards Act

DECLARATION OF SECRETARY-TREASURER

I, do hereby declare that I am of the full age of eighteen years,

a Canadian citizen and the owner of Lot....., in

Concession....., of the Township of....., in respect of which no taxes of a preceding year or years payable under the *Local Roads Boards Act* are in arrears, and I do hereby promise and declare that I will truly, faithfully and impartially to the best of my knowledge and ability, execute the office of Secretary-Treasurer of the Local

Roads Board for the.....Local Roads Area, and that I have not received and I will not receive any payment or reward, or promise thereof for the exercise of any partiality or malversation or other undue execution of the said office.

IN WITNESS WHEREOF I have hereunto sub-
scribed my name this....day of.....,
19....

Signed by the above named
in the presence of:

R.R.O. 1970, Reg. 572, Form 2.

Form 3

Local Roads Boards Act

PETITION

To the Honourable, The Minister of Transportation
and Communications:

WHEREAS at a meeting held and conducted under
section 7 of the *Local Roads Boards Act*, on the

.....day of, 19....,
the majority of the owners of land in the pro-
posed Local Roads Area voted in favour of the
establishment of a Local Roads Area bounded by
(or composed of)

.....
.....
and including the following local roads within that
area, namely:

.....
.....
.....

AND WHEREAS at the said meeting the said
owners elected the following of their number to be
trustees of the Board, namely:

.....
.....
.....
and the undersigned was elected secretary of the
meeting.

NOW THEREFORE, the undersigned on behalf of
the said owners hereby respectfully requests The
Honourable, The Minister of Transportation and
Communications to establish the proposed Local
Roads Area as a Local Roads Area under the *Local
Roads Boards Act*, and to designate that the above-
noted local roads be included therein.

Dated at.....
this....day of.....,
19....

Secretary

R.R.O. 1970, Reg. 572, Form 3.

Form 4

Local Roads Boards Act

CAUTION

To: The Land Registrar for the Land Titles
Division of

I,, of the.....
....., in the....., the secretary-
treasurer of the Local Roads Board for the.....

Local Roads Area, hereby give notice that the said
Board has an interest in the land registered in the
name of..... as

Parcel.....in the Register for.....
and require that no dealing with the land be had on
the part of the registered owner until notice has been
served upon me.

The interest of the Board in the above-mentioned
land is as follows:

1. The taxes imposed under the *Local Roads
Boards Act* are unpaid for a period of
two years or more.
2. Unless the total amount of tax, penalties
and the prescribed costs due and payable
under the *Local Roads Boards Act* are paid
the land and every interest therein will be
liable to be forfeited to and vested in the
Crown.

My address for service is.....
.....

Dated at.....this....day of.....,
19....

Secretary-Treasurer

R.R.O. 1970, Reg. 572, Form 4.

Form 5

Local Roads Boards Act

CAUTION

To: The Land Registrar for the Registry
Division of

I,, of the.....
....., in the.....

....., the secretary-treasurer of the Local Roads Board for the.....Local Roads Area, hereby give notice that the said Board has an interest in the hereafter described lands in that:

1. The taxes imposed under the *Local Roads Boards Act* are unpaid for a period of two years or more.
2. Unless the total amount of tax, penalties and the prescribed costs due and payable under the *Local Roads Boards Act*, are paid the land and every interest therein will be liable to be forfeited to and vested in the Crown.

The lands affected by this Caution are as follows:

.....
.....

My address for service is.....

.....

Dated at.....this....day of.....,
19....

.....
Secretary-Treasurer

R.R.O. 1970, Reg. 572, Form 5.

Form 6

Local Roads Boards Act

WITHDRAWAL OF CAUTION

To: The Land Registrar for the Land Titles Division of

I,, of the.....
.....in the....., the secretary-treasurer of the Local Roads Board for the.....

Local Roads Area, do hereby withdraw the caution registered in the Land Registry Office for the Land Titles Division of on the

day of, 19....,
as number claiming an interest in the land registered in the name of
as Parcel in the Register for

.....
Secretary-Treasurer

Dated at.....this....day of.....,
19....

R.R.O. 1970, Reg. 572, Form 6.

Form 7

Local Roads Boards Act

WITHDRAWAL OF CAUTION

To: The Land Registrar for the Registry Division of

I,, of the.....
....., in the.....
the secretary-treasurer of the Local Roads Board for the Local Roads Area, do hereby withdraw the caution registered in the Land Registry Office for the Registry Division of....., on the.....day of....., as number.....claiming an interest by the said Board in the following lands:

.....
.....

Dated at.....this....day of.....,
19....

.....
Secretary-Treasurer

R.R.O. 1970, Reg. 572, Form 7.

Form 8

Local Roads Boards Act

NOTICE OF TAX ARREARS

To:

TAKE NOTICE that unless the total amount of tax, penalties and the prescribed costs, due and payable under the *Local Roads Boards Act*, in respect of the land hereinafter described are paid within twelve months from the date of mailing this notice the land and every interest therein will be liable to be forfeited to and to be vested in the Crown.

DESCRIPTION OF LAND:

The total amount of tax, penalties and the prescribed costs due and payable is \$. A certified cheque or money order should be made payable to the Local Roads Board for the Local Roads Area and addressed to the undersigned.

Dated at this day of ,
19

.
Secretary-Treasurer

(Mailing Address)

R.R.O. 1970, Reg. 572, Form 8.

REGULATION 601

under the Local Services Boards Act

LOCAL SERVICES BOARD—ARMSTRONG

1. The Local Services Board known as "The Local Services Board of Armstrong" is continued. O. Reg. 892/80, s. 1, *revised*.
2. The boundaries of the Board area are those described in the Schedule.
3. The Board shall be composed of five members.
4. The Board may exercise the following powers from among those set out in the Schedule to the Act:
 1. The powers set out in paragraph 2.
 2. The powers set out in paragraph 3.
 3. The powers set out in paragraph 5.
 4. The powers set out in paragraph 6. O. Reg. 892/80, ss. 2-4.
5. The members of the Board elected on the 23rd day of October, 1980 shall hold office from the 23rd

day of October, 1980 to the 30th day of September, 1981 and until a new Board is elected. O. Reg. 892/80, s. 5 (1), *revised*.

Schedule

That portion of the Territorial District of Thunder Bay described as follows:

Beginning at a point in the centre line of the Canadian National Railways at a distance of 1 mile northwesterly from the middle of the main channel of the Whitesand River;

Thence due north 6 miles;

Thence due west 12 miles;

Thence due south 12 miles;

Thence due east 12 miles;

Thence due north 6 miles to the place of beginning.

O. Reg. 892/80, Sched.

REGULATION 602

under the Local Services Boards Act

LOCAL SERVICES BOARD—FOLEYET

1. The Local Services Board known as "The Local Services Board of Foleyet" is continued. O. Reg. 706/80, s. 1, *revised*.

2. The boundaries of the Board area are those described in the Schedule.

3. The Board shall be composed of five members.

4. The Board may exercise the following powers from among those set out in the Schedule to the Act:

1. The powers set out in paragraph 1.
2. The powers set out in paragraph 2.
3. The powers set out in paragraph 5.
4. The powers set out in paragraph 6. O. Reg. 706/80, ss. 2-4.

5. The members of the Board elected on the 28th day of August, 1980 shall hold office from the 1st day of September, 1980 to the 30th day of September, 1981 and until a new Board is elected. O. Reg. 706/80, s. 5 (1), *revised*.

Schedule

All that parcel or tract of land in the geographic Township of Foleyet in the Territorial District of Sudbury, being composed of Lot 7, in Concession IV, lots 5, 6 and 7 in Concession V, lots 5, 6 and 7 in Concession VI, lots 5 and 6 in Concession VII and lands lying easterly thereof in the said township, described as follows:

Beginning at the northwesterly corner of Lot 6 in Concession VII;

Thence southerly along the westerly limit of the said Lot 6 to the southwesterly corner thereof;

Thence southerly in a straight line to the northwesterly corner of Lot 6 in Concession VI;

Thence westerly in a straight line to the northeasterly corner of Lot 7 in Concession VI;

Thence westerly along the northerly limit of the said Lot 7 to the northwesterly corner thereof;

Thence southerly along the westerly limit of Lot 7 in concessions VI, V and IV to the southwesterly corner of Lot 7 in Concession IV;

Thence easterly along the southerly limit of the said Lot 7 to the southeasterly corner thereof;

Thence northerly along the easterly limit of the said Lot 7 to the northwesterly limit of a travelled road known locally as Dump Road;

Thence in a general northeasterly direction along the said northwesterly limit to the intersection with the southerly limit of Lot 6 in Concession V;

Thence easterly along the southerly limit of lots 6 and 5 in Concession V to the southeasterly corner of the said Lot 5;

Thence northerly along the easterly limit of Lot 5 in Concessions V, VI and VII to the northeasterly corner of Lot 5 in Concession VII;

Thence westerly along the northerly limit of lots 5 and 6 in Concession VII to the place of beginning. O. Reg. 706/80, Sched.

REGULATION 603

under the Local Services Boards Act

LOCAL SERVICES BOARD—GOGAMA

1. The Local Services Board known as "The Local Services Board of Gogama" is continued. O. Reg. 1107/80, s. 1, *revised*.

2. The boundaries of the Board area are those described in the Schedule.

3. The Board shall be composed of five members.

4. The Board may exercise the following powers from among those set out in the Schedule to the Act:

1. The powers set out in paragraph 1.

2. The powers set out in paragraph 2.

3. The powers set out in paragraph 5.

4. The powers set out in paragraph 6. O. Reg. 1107/80, ss. 2-4.

5. The members of the Board elected on the 15th day of January, 1981 shall hold office from the 15th day of January, 1981 to the 30th day of September, 1981 and until a new Board is elected. O. Reg. 1107/80, s. 5 (1), *revised*.

Schedule

All that parcel or tract of land in the geographic townships of Jack and Noble in the Territorial District of Sudbury described as follows:

Beginning at the southwesterly corner of the geographic township of Noble;

Thence easterly along the southerly boundary of the geographic township of Noble a distance of 3.0 miles;

Thence north astronomically a distance of 2.0 miles;

Thence west astronomically a distance of 3.0 miles, more or less, to the easterly boundary of the geographic township of Jack;

Thence northerly along the said easterly boundary a distance of 0.5 miles;

Thence west astronomically a distance of 1.5 miles;

Thence south astronomically 2.5 miles more or less to the southerly boundary of the geographic township of Jack;

Thence easterly along the southerly boundary of the geographic township of Jack a distance of 1.5 miles, more or less, to the place of beginning. O. Reg. 1107/80.

REGULATION 604

under the Local Services Boards Act

LOCAL SERVICES BOARD—HUDSON

1. The Local Services Board known as "The Local Services Board of Hudson" is continued. O. Reg. 696/80, s. 1, *revised*.

2. The boundaries of the Board area are those described in the Schedule.

3. The Board shall be composed of five members.

4. The Board may exercise the following powers from among those set out in the Schedule to the Act:

1. The powers set out in paragraph 2.

2. The powers set out in paragraph 5.

3. The powers set out in paragraph 6, except the powers set out in clauses (a) and (b). O. Reg. 696/80, ss. 2-4.

5. The members of the Board elected on the 9th day of September, 1980 shall hold office from the 9th day of September, 1980 to the 30th day of September, 1981 and until a new Board is elected. O. Reg. 696/80, s. 5 (1), *revised*.

Schedule

All that parcel or tract of land in the geographic Township of Vermilion Additional in the Territorial District of Kenora, described as follows:

Beginning at the southwesterly corner of Lot 10 in Concession I;

Thence in a general easterly, southerly and southwesterly direction along the high water mark of Jackknife Lake to the intersection with the westerly limit of Lot 8 in Concession I;

Thence southerly along the said westerly limit to the southwesterly corner of the said Lot 8;

Thence easterly along the southerly limit of the said Lot 8 to the northwesterly limit of the right of way of a transmission line for Ontario Hydro;

Thence in a general northeasterly and southeasterly direction along the northwesterly and northeasterly limit of the said right of way to the intersection with a line drawn south 04 degrees 11 minutes 30 seconds east from the southeasterly corner of Location SN 60 as shown on Plan 23R-4646;

Thence north 04 degrees 11 minutes 30 seconds west to the high water mark of Lost Lake;

Thence in a general southwesterly, northerly, northeasterly, northwesterly, southwesterly, northwesterly and southwesterly direction along the said high water mark to the northwesterly corner of Lot 9 in Concession III;

Thence southerly along the westerly limit of said Lot 9 to the northerly limit of the right of way of the Canadian National Railways;

Thence southwesterly along the said right of way to the westerly limit of Lot 10 in Concession III;

Thence southerly along the westerly limit of Lot 10 in concessions III, II and I to the place of beginning.

O. Reg. 696/80, Sched.

REGULATION 605

under the Local Services Boards Act

LOCAL SERVICES BOARD—MADSEN

- 1. The Local Services Board known as “The Local Services Board of Madsen” is continued. O. Reg. 790/80, s. 1, *revised*.
- 2. The boundaries of the Board area are those described in the Schedule.
- 3. The Board shall be composed of five members.
- 4. The Baord may exercise the following powers from among those set out in the Schedule to the Act:
 - 1. The powers set out in paragraph 1.
 - 2. The powers set out in paragraph 2.
 - 3. The powers set out in paragraph 3.
 - 4. The powers set out in paragraph 4.
 - 5. The powers set out in paragraph 5.
 - 6. The powers set out in paragraph 6. O. Reg. 790/80, ss. 2-4.
- 5. The members of the Board elected on the 7th day of October, 1980 shall hold office from the 7th day of October, 1980 to the 30th day of September, 1981 and

until a new Board is elected. O. Reg. 790/80, s. 5 (1), *revised*.

Schedule

That parcel of land situate in the geographic townships of Baird and Heyson, in the Territorial District of Kenora, Patricia Portion, described as follows:

Beginning at the southwesterly corner of the geographic Township of Heyson;

Thence easterly along the southerly boundary of the said geographic Township of Heyson a distance of 2 miles;

Thence north astronomically a distance of 5 miles;

Thence west astronomically a distance of 5 miles;

Thence south astronomically a distance of 5 miles more or less to the southerly boundary of the geographic Township of Baird;

Thence easterly along the said southerly boundary a distance of 3 miles more or less to the place of beginning.

Saving and excepting therefrom mining claims KRL 12730, KRL 12965, KRL 12876, KRL 12880 and KRL 12881. O. Reg. 790/80, Sched.

REGULATION 606

under the Marriage Act

GENERAL

1.—(1) Where there is an application for a licence in Form 2,

(a) both applicants for the licence shall complete Form 3 and Form 4; or

(b) both applicants for the licence shall complete Form 3 and one of the applicants shall complete Form 4, and

(i) produce to the issuer the birth certificate of the other applicant, or

(ii) deposit with the issuer Form 5 completed by the other applicant.

(2) Form 6 is the consent prescribed for the purposes of subsection 5 (2) of the Act.

(3) Subject to section 16 of the Act, the fee payable by an applicant on the issue of a licence is \$20.

(4) Where both applicants for a licence are Indians to whom section 16 of the Act applies, one of the applicants shall complete Form 10. O. Reg. 307/78, s. 1.

2.—(1) The parties to the marriage shall complete the particulars in Form 7 and leave it with the person who will solemnize the marriage or who will perform the duties imposed by the Act in accordance with subsection 20 (4) of the Act.

(2) Form 7 and Form 12 shall be completed by,

(a) the parties to a marriage;

(b) two witnesses to the marriage; and

(c) the person who solemnized the marriage or who performed the duties imposed by

the Act in accordance with subsection 20 (4) of the Act.

(3) Every person who solemnizes a marriage or who performs the duties imposed by the Act in accordance with subsection 20 (4) of the Act shall forward Form 7 duly completed in accordance with subsections (1) and (2) to the Registrar General within two days following the day of the marriage. O. Reg. 307/78, s. 2.

3. The fee on the solemnization of a marriage by a judge or a justice of the peace is \$15, and shall be remitted by the judge or justice of the peace to the Treasurer of Ontario. O. Reg. 307/78, s. 3.

4. The duties of an issuer of licences are,

(a) to requisition from the Minister and maintain on hand sufficient supplies of licences and other forms prescribed by the regulations; and

(b) to ensure that every applicant for a licence is aware of the prohibited degrees of affinity and consanguinity set out in Form 1 of the Act. O. Reg. 293/79, s. 1, *part*.

5.—(1) An issuer of a licence shall remit to the Treasurer of Ontario \$13.00 for each licence issued and retain \$7.00.

(2) Where the issuer is the clerk of a municipality, the council of the municipality may commute the issuer's fees provided for in subsection (1) for a fixed sum payable annually by the municipality to the issuer, in which case the fees that would otherwise be retained by the issuer shall belong to the municipality.

(3) Where the council and the issuer do not agree upon the amount of the commutation, the amount may be fixed by a judge. O. Reg. 293/79, s. 1, *part*.

Form 2

*Marriage Act*MINISTER OF CONSUMER AND COMMERCIAL RELATIONS
AND REGISTRAR GENERAL

I do hereby authorize and grant this licence for the solemnization of marriage between

_____ of _____ and
(name in full) (address)

_____ of _____
(name in full) (address)

Provided always that, by reason of affinity, consanguinity, prior marriage, or other lawful cause there is no legal impediment in this behalf; but if otherwise, this licence is null and void to all intents and purposes whatsoever.

Dated at the City of Toronto in the Province of Ontario this
_____ day of _____ 19 _____.

Deputy Registrar General

Issued this _____ day of _____ 19 _____

_____ issuer of marriage licences at _____
(signature or name of
Issuer, as required)

Licence No.

Form 3

Marriage Act

MARRIAGE LICENCE APPLICATION

BRIDEGROOM					BRIDE									
					SURNAME OR LAST NAME									
					GIVEN OR FIRST NAMES									
					OCCUPATION									
AGE	DATE OF BIRTH	DAY	MONTH	YEAR	AGE AND DATE OF BIRTH	AGE	DATE OF BIRTH	DAY	MONTH	YEAR				
<input type="checkbox"/> BACHELOR <input type="checkbox"/> WIDOWER <input type="checkbox"/> DIVORCED					MARITAL STATUS					<input type="checkbox"/> SPINSTER <input type="checkbox"/> WIDOW <input type="checkbox"/> DIVORCED				
FORMER MARRIAGE TO					DETAILS IF AN APPLICANT IS DIVORCED					FORMER MARRIAGE TO				
ANNULLED /DISSOLVED BY THE COURT										ANNULLED /DISSOLVED BY THE COURT				
OF										OF				
ON					ON									
					RELIGIOUS DENOMINATION									
STREET AND NUMBER					PRESENT RESIDENCE OR POSTAL ADDRESS					STREET AND NUMBER				
MUNICIPALITY					POSTAL CODE					MUNICIPALITY				
					PERMANENT HOME ADDRESS IF DIFFERENT TO ABOVE					POSTAL CODE				
MUNICIPALITY AND COUNTRY					PLACE OF BIRTH					MUNICIPALITY AND COUNTRY				
INTENDED PLACE OF MARRIAGE		CITY, TOWN, VILLAGE (Regional municipality, county or district)								INTENDED DATE OF MARRIAGE				
					FATHER'S NAME									
					FATHER'S ADDRESS									
					MOTHER'S MAIDEN NAME									
					MOTHER'S ADDRESS IF DIFFERENT TO FATHER'S									
I DECLARE THAT THE ABOVE INFORMATION IS CORRECT: BRIDEGROOM'S SIGNATURE					I DECLARE THAT THE ABOVE INFORMATION IS CORRECT: BRIDE'S SIGNATURE									
DATE					DATE									

Form 4

Marriage Act

AFFIDAVIT

I, and

I, make oath and say as follows:

That I believe there is no affinity, consanguinity, prior marriage or other lawful cause or legal impediment to bar or hinder the solemnization of the marriage, and

That the contents set forth herein are to the best of knowledge, information and belief, true in every particular:

Names in full			Age
Occupation			Age
Condition in Life	Bachelor, Widower or Divorced		Spinster, Widow or Divorced
Religious Denomination			
Residence			
Place of Birth			
Intended Place of Marriage			

SWORN before me at the of in the County, District or Regional Municipality of
of in the County, District or Regional Municipality of this day of 19
(write date in words not numerals)

(signature of deponent or deponents, as case may be)

. Issuer of Marriage Licences at
(signature of Issuer or Deputy Issuer, as case may be)

Form 5
Marriage Act

AFFIDAVIT OF AGE

IN THE MATTER OF AN APPLICATION FOR A LICENCE
UNDER THE MARRIAGE ACT FOR THE MARRIAGE OF

CANADA,
PROVINCE
OF ONTARIO

TO WIT:

NAME IN FULL		OF	ADDRESS - GIVING STREET AND NUMBER	
NAME IN FULL		OF		
AND		OF		
I,	NAME IN FULL	of	STATUS OF MUNICIPALITY	NAME OF MUNICIPALITY
		the	OF	
in	(WRITE REGIONAL MUNICIPALITY, COUNTY OR DISTRICT)	in	(WRITE PROVINCE OR STATE)	
the	OF	the	OF	
make oath and say that according to the best of my knowledge, information and belief, I, one of the parties aforesaid am				
AGE (IN WORDS)	YEARS OF AGE AND WAS BORN IN THE		STATUS OF MUNICIPALITY	NAME OF MUNICIPALITY
			OF	
in	(WRITE REGIONAL MUNICIPALITY, COUNTY OR DISTRICT)	in	(WRITE PROVINCE OR STATE)	
the	OF	the	OF	
on	(IN WORDS)	day	MONTH	
the	of			, ONE THOUSAND NINE HUNDRED AND

I believe there is no affinity, consanguinity, prior marriage or other lawful cause or legal impediment to bar or hinder the solemnization of the said marriage.

SWORN BEFORE ME AT THE

STATUS OF MUNICIPALITY		OF	NAME OF MUNICIPALITY	
in	(WRITE COUNTY OR DISTRICT)	OF		
in	(WRITE PROVINCE OR STATE)	OF		
dated	day		19	
this	of			

SIGNATURE OF DEPENDENT

A Commissioner, etc.

Form 6

Marriage Act

CONSENT OF PARENT OR GUARDIAN TO MARRIAGE

A
PROVINCE OF ONTARIO

IN THE MATTER OF the proposed marriage of

..... of
(NAME IN FULL) (ADDRESS - GIVING STREET AND NUMBER)

..... of
(NAME IN FULL) (ADDRESS - GIVING STREET AND NUMBER)

B

I, hereby swear ..
(NAME IN FULL)

That I am the of the said
("FATHER" "MOTHER" OR "GUARDIAN")

I, hereby swear ..
(NAME IN FULL)

That I am the of the said
("FATHER" "MOTHER" OR "GUARDIAN")

NOTE: The signature of both parents is required except where Section "C" is applicable

C COMPLETE SECTION APPLICABLE

1. That the is/are deceased.
(MOTHER, FATHER, BOTH PARENTS)

2. That the is/are a patient in a psychiatric facility or
(MOTHER, FATHER, BOTH PARENTS)
resident in a facility under The Developmental Services Act, 1974 (strike out
condition not applicable).

3. That I am living apart from the child's and have custody of the
(MOTHER OR FATHER)
said

D

That is under the age of eighteen and was born on the day of
(HE OR SHE)
..... 19;

That I/we hereby give my/our consent to the said marriage.

SWORN BEFORE ME AT THE

STATUS OF MUNICIPALITY	of	NAME OF MUNICIPALITY
in the	(WRITE REGIONAL MUNICIPALITY, COUNTY OR DISTRICT)	
in the	(WRITE PROVINCE OR STATE)	of
dated this	day of	19

.....
(SIGNATURE OF PARENT OR GUARDIAN)

.....
(SIGNATURE OF PARENT OR GUARDIAN)

A Commissioner, etc.

Form 7

Marriage Act

STATEMENT OF MARRIAGE

(For use of Registrar General only)

1. Place of Marriage: The of in the of
(city, town, village or township) (county, district or regional municipality) (Regional municipality, county or district)

2. Date of Marriage: (month) (day) (year)

3. Licence ☐ Banns ☐
(Place X in proper square)

Bridegroom		Bride	
4. (Surname)	(Given Names)	16. (Surname)	(Given Names)
5. The of in the of (city, town, village or township) (county, district or regional municipality) (city, town, village or township) (county, district or regional municipality)		17. The of in the of (city, town, village or township) (county, district or regional municipality) (city, town, village or township) (county, district or regional municipality)	
6. (Bachelor, Widower, Divorced)		18. (Spinster, Widow, Divorced)	
7. Religious Denomination		19. (Spinster, Widow, Divorced)	
8. Age 9. Citizenship		20. Age 21. Citizenship (in years) (in years)	
10. (If in Canada, state Province; if foreign born, state country)		22. (If in Canada, state Province; if foreign born, state country)	
11. Occupation		23. (If in Canada, state Province; if foreign born, state country)	
12. Name of Father		24. (Surname) (Given Names)	
13. (Surname) (Given Names)		25. (Surname) (Given Names)	
14. Maiden Surname (Given Names)		26. Maiden Surname (Given Names)	
15. (Province or Country)		27. (Province or Country)	

Signature of Bridegroom
(Signature of Bride)
(Signature of Witness)
(Address of Witness)

Signature of Bridegroom
(Signature of Bride)
(Signature of Witness)
(Address of Witness)

Signature of Bridegroom
(Signature of Bride)
(Signature of Witness)
(Address of Witness)

I CERTIFY that the marriage of the parties named in Items 4 and 16 was solemnized on the date and at the place set out above. (Indicate status)

☐ Clergyman ☐ Judge ☐ Justice of the Peace ☐ Other (Specify)

Registration No. Religious Denomination (Clergyman only)

Date (month) (day) (year)

Signature of person solemnizing the marriage
(Not office Address)
Notal Code

Form 8

Marriage Act

PROOF OF PUBLICATION OF BANNS

On the _____ day of _____, 19____

I DULY PUBLISHED the banns of marriage between _____

_____ of the _____ of _____

and _____

of the _____ of _____

in _____ Church in

the _____ of _____

I FURTHER CERTIFY that I verily believe the said _____

and _____

_____ in the habit of attending worship at the said Church.

(is or are)

DATED this _____ day of _____, 19____

(signature)

(address)

Form 9

CANADA

Marriage Act

MARRIAGE LICENCE NO. _____

PROVINCE OF ONTARIO,

AFFIDAVIT REGARDING PRESUMPTION OF DEATH
UNDER THE MARRIAGE ACT

To Wit:

I, _____

do solemnly swear that:

1. A marriage is intended to be solemnized in the Province of Ontario, between the following parties, of whom I am one, namely:

Intended Bridegroom _____
(name in full)

Residence _____
(address in full)

and

Intended Bride _____
(name in full)

Residence _____
(address in full)

2. I was married to _____
(name in full)

on _____ at _____
(date) (place)

3. I have obtained from a judge of the _____ Court of
(County or District)
the _____ of _____ an order
(County, District or Regional Municipality)

declaring that the said _____ shall be presumed dead.
(name in full)

4. I still have no reason to believe that the said _____

_____ is living.

5. I have given careful consideration to the question of the validity of the intended marriage between _____
(the other party to the intended marriage)

and myself and understand that and have advised _____
(the other party to the intended marriage)

that if _____
(the person presumed dead)

is not in fact dead at the time of the solemnization of the intended marriage, the said marriage shall be void.

6. I have shown _____ a copy
(the other party to the intended marriage)

of the said order of presumption of death.

SWORN BEFORE ME AT THE

STATUS OF MUNICIPALITY	OF	NAME OF MUNICIPALITY
in (WRITE COUNTY OR DISTRICT OR REGIONAL MUNICIPALITY)	OF	
the		
in (WRITE PROVINCE OR STATE)	OF	
the		
dated this	day of	19
A Commissioner, etc.		

SIGNATURE OF DEPONENT _____

Form 10

Marriage Act

AFFIDAVIT BY INDIAN

CANADA: IN THE MATTER OF an application for a Licence under the *Marriage Act* for
PROVINCE OF ONTARIO, the marriage of

TO WIT: of
(name in full) (address - giving street and number)

and of
(name in full) (address - giving street and number)

I,
(name in full)

of the of
(City, Town, Village or Township)

in the in the
(Regional municipality, county or district) (Province)

ofMAKE OATH AND SAY THAT:
(occupation)

1. I am one of the parties aforesaid.
2. According to the best of my knowledge, information and belief, both the parties aforesaid are Indians ordinarily resident on a reserve in Ontario (or on Crown lands in Ontario, as the case may be).

SWORN before me at the of
in the of in the Province of
Ontario, this day of 19
(signature of deponent)

.
.
This Affidavit May Be Taken in Ontario by the Marriage Licence Issuer,
Commissioner for Taking Affidavits or Notary Public

. 19
(No. of Marriage Licence) (date of issue) (place of issue) (Signature of Issuer)

NO. _____

Form 11

Marriage Act

PROVINCE OF ONTARIO
MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS
CERTIFICATE OF REGISTRATION
AS A PERSON AUTHORIZED TO SOLEMNIZE MARRIAGE

Under the *Marriage Act*, I certify that

.....

.....

is registered as a person authorized to solemnize marriage in the
Province of Ontario

this day of , 19

Toronto, Ontario

DEPUTY REGISTRAR GENERAL

Form 12

Marriage Act

PARTICULARS OF MARRIAGE

BRIDEGROOM

SURNAME		GIVEN NAMES		AGE	
OCCUPATION		DATE OF BIRTH		<input type="checkbox"/> BACHELOR	
RELIGIOUS DENOMINATION		PLACE OF BIRTH		<input type="checkbox"/> WIDOWER	
				<input type="checkbox"/> DIVORCED	
RESIDENCE AT TIME OF MARRIAGE					
FATHER'S NAME			MOTHER'S NAME		

BRIDE

SURNAME		GIVEN NAMES		AGE	
OCCUPATION		DATE OF BIRTH		<input type="checkbox"/> SPINSTER	
RELIGIOUS DENOMINATION		PLACE OF BIRTH		<input type="checkbox"/> WIDOW	
				<input type="checkbox"/> DIVORCED	
RESIDENCE AT TIME OF MARRIAGE					
FATHER'S NAME			MOTHER'S NAME		

MARRIED BY	LICENCE	BANNS

SIGNATURES

BRIDEGROOM		BRIDE	
WITNESS		WITNESS	
RESIDENCE		RESIDENCE	

PLACE OF MARRIAGE	I CERTIFY THAT THE ABOVE NAMED PARTIES WERE MARRIED BY ME AT THE PLACE AND ON THE DATE SHOWN AT LEFT.	SIGNATURE
Regional municipality, county, or district		ADDRESS
DATE		

MARRIAGE LICENCE OR BANNS SERIAL NO.	DATE OF ISSUE (LICENCE ONLY)	PLACE OF ISSUE (LICENCE ONLY)
--------------------------------------	------------------------------	-------------------------------

REGULATION 607

under the Meat Inspection Act (Ontario)

GENERAL

INTERPRETATION

1. In this Regulation,

- (a) "carcass" means the whole carcass of an animal;
- (b) "dressed carcass" means the edible parts of a carcass but does not include the edible organs;
- (c) "edible" means fit for food;
- (d) "eviscerated poultry" means slaughtered poultry from which the blood, feathers, head, legs at the hock joints, oil sac and viscera, including the respiratory, digestive, reproductive and urinary systems, have been removed;
- (e) "farmer" means a person whose principal occupation is farming;
- (f) "food" means food for human consumption unless the context otherwise requires;
- (g) "inedible" means unfit for food;
- (h) "inspection legend" means the inspection legend prescribed by this Regulation;
- (i) "operator" means a person operating a plant;
- (j) "primal cut" means a short hip, steak piece, short loin, rib or chuck cut;
- (k) "regional veterinarian" means a veterinary inspector appointed as a supervisor of inspection service in a region designated by the Minister;
- (l) "undrawn dressed poultry" means slaughtered poultry from which the blood and feathers have been removed;
- (m) "utensil" means any equipment that comes in contact with meat in a plant;
- (n) "veterinarian" means a person registered under the *Veterinarians Act*;
- (o) "veterinary inspector" means a veterinarian appointed as an inspector. R.R.O. 1970, Reg. 574, s. 1.

2. Sections 67 to 93 and 109 to 114, do not apply to poultry. R.R.O. 1970, Reg. 574, s. 2.

EXEMPTIONS

3.—(1) Subject to subsection (2), the following animals or classes of animals and the meat thereof are exempt from the Act and this Regulation:

- 1. Animals that are owned and kept by a farmer on his farm for at least two months immediately before time of slaughter and the meat from those animals sold directly by him on his farm premises to a consumer for his own consumption.
- 2. Animals that are owned by a person and slaughtered for his own consumption.
- 3. Animals that are owned by members of an association formed for the purpose of slaughtering such animals and distributing the meat thereof to the members of the association for their own consumption.
- 4. Poultry that is slaughtered for the purpose of selling or offering for sale as undrawn dressed poultry and is removed from the plant in the undrawn dressed form.

(2) Where it appears to the owner of an animal exempt under subsection (1) that the animal or the carcass of the animal is diseased or shows evidence of any abnormal condition, such owner shall not sell, offer for sale, transport or deliver the meat thereof unless a veterinarian makes,

- (a) in the case of the animal, an *ante mortem* inspection of the animal and a *post mortem* inspection of the carcass; or
- (b) in the case of the carcass, a *post mortem* inspection thereof,

and certifies in writing that the meat is fit for food. R.R.O. 1970, Reg. 574, s. 3.

4.—(1) Subject to subsections (2) and (3), where an operator is engaged in the business of operating a plant solely for the slaughter of animals or classes of animals that are exempt from the Act and this Regulation, such operator is exempt from the Act, except sections 11 and 12 thereof, and this Regulation.

(2) Where an operator mentioned in subsection (1), other than a farmer referred to in paragraph 1 of sub-

section 3 (1), is engaged in the business of selling or offering for sale meat other than undrawn dressed poultry, subsection (1) does not apply.

(3) Where a farmer referred to in paragraph 1 of subsection 3 (1) slaughters, for any other person, animals or classes of animals that are exempt from the Act and this Regulation, other than poultry slaughtered for the purpose of selling or offering for sale as undrawn dressed poultry, subsection (1) does not apply. R.R.O. 1970, Reg. 574, s. 4.

5. Where an animal has been slaughtered at an establishment and the meat thereof has been stamped or labelled in accordance with the *Meat Inspection Act* (Canada) and the regulations made thereunder, such meat shall be deemed to have been stamped or labelled in accordance with the Act and this Regulation. R.R.O. 1970, Reg. 574, s. 5.

LICENCES

6.—(1) A licence to engage in the business of operating a plant shall be in Form 1.

(2) An application for a licence to engage in the business of operating a plant shall be in Form 2 and shall be accompanied by material showing,

- (a) the exact geographic location of the plant and any facilities used in connection therewith or the site for the plant and such facilities;
- (b) particulars of such location in respect of drainage and facilities for maintenance of sanitary conditions;
- (c) the dimensions of the plant and such facilities and their capacity for the proposed operation;
- (d) by detailed plans, the number of rooms, intended operation in each room, locations of main equipment and of such other equipment as shows the nature and extent of the plant operation;
- (e) by a survey, drawing or sketch, the location of the plant and such facilities in relation to other adjacent properties;
- (f) where washrooms, dressing rooms or toilet rooms are not provided in the plant, particulars of facilities available elsewhere; and
- (g) such other information as the Director requires. R.R.O. 1970, Reg. 574, s. 6.

7.—(1) A licence in Form 1 shall continue in force until it is suspended or revoked by the Director.

(2) A licence in Form 1 is not transferable. R.R.O. 1970, Reg. 574, s. 7.

8. The Director shall assign a plant number to every plant licensed under the Act and this Regulation. R.R.O. 1970, Reg. 574, s. 8.

PLANTS AND EQUIPMENT

9. Every plant shall,

- (a) be located in a place free from conditions that might injuriously affect the sanitary operation of the plant;
- (b) be constructed and finished in such manner that the plant is capable of being maintained in a sanitary condition;
- (c) be fully lighted;
- (d) be adequately ventilated; and
- (e) be adequately heated. R.R.O. 1970, Reg. 574, s. 11.

10. Every plant in which animals other than poultry are slaughtered shall be equipped with,

- (a) a killing room for the purpose of slaughtering animals;
- (b) a storage room for inedible offal, meat that is not food, condemned material and refuse;
- (c) where hides are salted, a hide room for that purpose;
- (d) pens for the purpose of holding animals before slaughter;
- (e) head inspection racks;
- (f) a viscera truck or table;
- (g) a hoist;
- (h) a sterilizer; and
- (i) such other equipment as the Director requires. R.R.O. 1970, Reg. 574, s. 12.

11.—(1) Every plant shall be equipped with or have readily available adequate refrigeration facilities, including facilities for the purpose of chilling and storing dressed carcasses immediately after slaughter.

(2) Every refrigerated room in a plant shall be equipped with a direct reading thermometer of known accuracy. R.R.O. 1970, Reg. 574, s. 13.

12.—(1) Every plant shall have, under pressure,

- (a) a supply of potable hot and cold water adequate for the efficient operation of the plant, and
- (b) an adequate supply of potable hot water or live steam for sterilizing purposes.

(2) Every plant shall have adequate hand washing facilities in the killing room. R.R.O. 1970, Reg. 574, s. 14.

13.—(1) Floors shall be smooth, impervious to liquids and adequately drained in,

- (a) killing rooms;
 - (b) rooms in which,
 - (i) carcasses or meat are chilled, stored, cut, handled, prepared or packed, or
 - (ii) meat products are produced, processed, handled or stored; and
 - (c) storage rooms for inedible offal, meat that is not food, condemned material and refuse. R.R.O. 1970, Reg. 574, s. 15 (1); O. Reg. 441/80, s. 1.
- (2) Floors in hide rooms shall be smooth and impervious to liquids. R.R.O. 1970, Reg. 574, s. 15 (2).

14. A catch basin shall not be located in,

- (a) a killing room; or
- (b) a room in which,
 - (i) carcasses or meat are chilled, stored, cut, handled, prepared or packed, or
 - (ii) meat products are prepared, processed, handled or stored. R.R.O. 1970, Reg. 574, s. 16; O. Reg. 441/80, s. 2.

15. Walls shall be of smooth material and impervious to liquids to a height adequate for sanitary maintenance in,

- (a) killing rooms; and
- (b) rooms in which,
 - (i) carcasses or meat are chilled, stored, cut, handled, prepared or packed; or
 - (ii) meat products are produced, processed, handled or stored. R.R.O. 1970, Reg. 574, s. 17; O. Reg. 441/80, s. 3.

16. Ceilings in refrigerated rooms shall be of smooth material and impervious to liquids. R.R.O. 1970, Reg. 574, s. 18.

17. Rails, racks and hooks shall be of rust-resistant metal construction. R.R.O. 1970, Reg. 574, s. 19.

18. Tables, benches, blocks and containers for meat intended for food shall be rust-resistant and free of any crack or crevice. R.R.O. 1970, Reg. 574, s. 20.

19. Containers for the storage of inedible offal, meat that is not food, condemned material and refuse shall be of suitable metal, plastic or fibre glass construction and covered with insect-proof covers of the same construction. R.R.O. 1970, Reg. 574, s. 21.

20. Except as otherwise provided, utensils shall be of such material and so constructed that they are rust-resistant and can be easily cleaned and sterilized. R.R.O. 1970, Reg. 574, s. 22.

OPERATION OF PLANTS

21. No person shall operate a plant except in accordance with this Regulation. R.R.O. 1970, Reg. 574, s. 23.

22. No person shall use any part of a plant as living quarters. R.R.O. 1970, Reg. 574, s. 24.

23. No person shall have in a plant any thing that is not used in the normal operation of the plant. R.R.O. 1970, Reg. 574, s. 25.

24.—(1) No horse shall be slaughtered at a plant in which other animals are slaughtered.

(2) No rabbit shall be slaughtered at a plant in which poultry is slaughtered. R.R.O. 1970, Reg. 574, s. 26.

25. No person shall use the holding pens of a plant for the purpose of fattening animals. R.R.O. 1970, Reg. 574, s. 27.

26.—(1) Except in the case of poultry, no animal that is exempt from the Act and this Regulation shall be slaughtered in a plant unless the animal is slaughtered in accordance with the Act and this Regulation.

(2) No poultry that is slaughtered for the purpose of selling or offering for sale as undrawn dressed poultry shall be eviscerated in a plant. R.R.O. 1970, Reg. 574, s. 28.

27. The water supply shall be adequately protected against contamination and pollution. R.R.O. 1970, Reg. 574, s. 29.

28.—(1) Every plant shall be kept clean, sanitary and in good repair.

(2) The floors, walls and ceilings of a plant shall be maintained in a clean and sanitary condition.

(3) Rooms and passageways in a plant shall be kept free of condensed moisture.

(4) Rails, racks and hooks shall be,

(a) arranged so as to prevent contact of a carcass or meat with a wall or floor; and

(b) kept clean, sanitary and in good repair.

(5) Tables, benches, blocks and containers for meat intended for food shall be kept clean, sanitary and in good repair.

(6) Floors in pens for holding animals shall be maintained in a dry, clean and sanitary condition.

(7) The yards of a plant shall be maintained in a clean condition and free of litter and weeds. R.R.O. 1970, Reg. 574, s. 30.

29. All waste and drainage from the operation of a plant shall be disposed of in a sanitary manner. R.R.O. 1970, Reg. 574, s. 31.

30.—(1) Containers for the storage of inedible offal, meat that is not food, condemned material and refuse shall be,

- (a) marked to identify the use to which they are put;
- (b) used for no other purpose;
- (c) kept clean and in good repair;
- (d) kept in the storage room provided for that purpose; and
- (e) emptied as directed by an inspector.

(2) No person shall permit inedible offal, meat that is not food, condemned material or refuse to accumulate in a plant or on or near the premises of a plant except in containers that comply with this Regulation.

(3) Subject to subsection (4), inedible offal and meat that is not food shall be disposed of in the manner prescribed by section 108.

(4) Where a carcass has been approved as fit for food by an inspector, any inedible offal and meat that is not food that has been approved by the Director for the purpose of animal food may be disposed of for that purpose in a manner prescribed by the Director. R.R.O. 1970, Reg. 574, s. 32.

31. No person shall smoke, chew tobacco or spit on the floor in any room in which,

- (a) carcasses or meat are chilled, stored, cut, handled, prepared or packed; or
- (b) meat products are produced, processed, handled or stored. O. Reg. 441/80, s. 4.

32. All outside openings capable of being opened, except loading doors, shall be screened sufficiently to prevent the entry of flies or other insects. R.R.O. 1970, Reg. 574, s. 34.

33. Every practicable precaution shall be taken to maintain plants free of flies, rats, mice and other vermin. R.R.O. 1970, Reg. 574, s. 35.

34. No person shall permit a dog or cat to be in a plant. R.R.O. 1970, Reg. 574, s. 36.

35.—(1) Only germicides, insecticides, rodenticides, detergents, wetting agents or other similar materials that have been approved by the Food and Drug Directorate of the Department of National Health and Welfare shall be used in a plant.

(2) The materials mentioned in subsection 1 shall be used in a manner approved by the plant inspector. R.R.O. 1970, Reg. 574, s. 37.

36.—(1) Equipment and utensils shall be,

- (a) cleaned at the end of each day's use; and
- (b) disinfected before each use.

(2) Utensils that have been in contact with infected materials shall be immediately cleaned and sterilized by means of hot water or live steam. R.R.O. 1970, Reg. 574, s. 38.

37.—(1) Meat and meat products shall be handled and kept in such manner and place as to prevent contamination.

(2) Meat or meat products shall not come in direct contact with the floors or walls in a plant.

(3) Containers of meat or meat products intended for food shall not be placed in direct contact with the floor. O. Reg. 441/80, s. 5, *part*.

38. No paper or other material shall be used in direct contact with meat or meat products unless it is of such kind that,

- (a) remains intact and does not disintegrate from the moisture of the meat or meat products;
- (b) is readily and completely removable from the meat or meat product; and
- (c) does not impart any chemical or other objectionable substance to the meat or meat product. O. Reg. 441/80, s. 5, *part*.

39. Inedible offal and meat that is not food shall,

- (a) be removed immediately from any room in which,
 - (i) carcasses or meat are chilled, stored, cut, handled, prepared or packed, or
 - (ii) meat products are produced, processed, handled or stored; and
- (b) be placed in the containers prescribed for that purpose. O. Reg. 441/80, s. 5, *part*.

40. Hides shall not be kept in any room in which,

- (a) carcasses or meat are chilled, stored, cut, handled, prepared or packed; or
- (b) meat products are produced, processed, handled or stored. O. Reg. 441/80, s. 5, *part*.

41. The carcass of an animal that has been condemned on an *ante mortem* inspection shall not be taken through or into any room in which,

- (a) carcasses or meat are chilled, stored, cut, handled, prepared or packed; or

- (b) meat products are produced, processed, handled or stored. O. Reg. 441/80, s. 5, *part*.

42. No person shall take a dead animal into a plant. R.R.O. 1970, Reg. 574, s. 44.

43. Except in the case of poultry, an animal that dies while being held at a plant shall be removed forthwith and disposed of in accordance with the *Dead Animal Disposal Act*. R.R.O. 1970, Reg. 574, s. 45.

44. Except in the case of undrawn dressed poultry, no carcass of an animal or a part thereof shall be taken into a plant unless,

- (a) the animal was slaughtered; and
- (b) the carcass or part has been stamped or labelled,

in accordance with this Regulation or the *Meat Inspection Act* (Canada) and the regulations made thereunder. R.R.O. 1970, Reg. 574, s. 46.

45. No person shall permit the removal of or transport or deliver meat or meat products from a plant,

- (a) unless the meat or meat product,
 - (i) is adequately protected against dust, dirt, flies or other insects,
 - (ii) is handled in such manner as to prevent contamination,
 - (iii) does not come in direct contact with the floor, roof or walls of the vehicle in which it is to be transported or delivered, and
 - (iv) is transported or delivered in a vehicle that is clean, sanitary and constructed and equipped for the proper care of meat and meat products; or
- (b) in a vehicle that contains inedible offal, meat that is not food, condemned material, refuse, unsanitary material or animals. O. Reg. 441/80, s. 6, *part*.

46.—(1) Where an inspector finds that the provisions of section 45 are not complied with in respect of a vehicle at a plant, he shall,

- (a) prohibit the transportation or delivery of meat or meat products from the plant in the vehicle and may issue such directions as he considers necessary or advisable to secure compliance with the provisions of section 47; or
- (b) direct the removal from the vehicle of meat or meat products therein and reinspect the meat or meat products,

as the case may be.

(2) On reinspection of meat or meat products under clause (1) (b), the inspector may issue such directions

as he considers necessary or advisable to ensure that the meat or meat products comply with this Regulation. O. Reg. 441/80, s. 6, *part*.

RECORDS

47.—(1) Every operator shall make and keep for at least twelve months a record of animals inspected at the plant.

(2) The record prescribed by subsection (1) shall include,

- (a) the names and addresses of the persons from whom animals were purchased or acquired;
- (b) the dates of the purchase or acquisition of animals;
- (c) the number and kind of animals purchased or acquired;
- (d) the number of such animals that were slaughtered and the dates of slaughter; and
- (e) such other information as the Director requires.

(3) Every operator shall, when required by the Director or an inspector, produce for inspection the record prescribed by subsection (1). R.R.O. 1970, Reg. 574, s. 49.

PERSONNEL

48.—(1) No person shall perform work that brings him in contact with meat or meat products in a plant unless,

- (a) he is clean;
- (b) he is free from and not a carrier of a disease or infection that may be spread through the medium of food;
- (c) he submits to such examination and tests as the local medical officer of health or the Director requires; and
- (d) he wears clean, washable outer garments and headgear.

(2) No person who has resided in premises while a communicable disease or infection has occurred therein shall perform work that brings him in contact with meat or meat products in a plant unless he has obtained a certificate from the local medical officer of health that he is free from and not a carrier of any disease or infection that may be spread through the medium of food. O. Reg. 441/80, s. 7, *part*.

49. No person shall handle meat or meat products while he is the bearer of any substance that might contaminate the meat or meat products. O. Reg. 441/80, s. 7, *part*.

50.—(1) Every plant shall, for the use of the employees, be provided with or have available,

- (a) washing facilities, including soap and running hot and cold water;
- (b) clean towels for the exclusive use of each employee;
- (c) adequate dressing rooms for all employees to change and store their clothing in clean and sanitary conditions; and
- (d) adequate running water closet-type toilet facilities. R.R.O. 1970, Reg. 574, s. 52 (1).

(2) Every toilet room shall be,

- (a) located so that it does not open directly into any room in which,
 - (i) meat is chilled, stored, cut, handled, prepared or packed, or
 - (ii) meat products are produced, processed, handled or stored;
- (b) equipped with full-length doors;
- (c) adequately ventilated; and
- (d) fully lighted. R.R.O. 1970, Reg. 574, s. 52 (2); O. Reg. 441/80, s. 8.

(3) While the plant is in operation, every wash-room, dressing room and toilet room shall be adequately heated. R.R.O. 1970, Reg. 574, s. 52 (3).

51. Washing facilities, dressing rooms and toilet rooms shall be kept clean and sanitary. R.R.O. 1970, Reg. 574, s. 53.

MEAT PRODUCTS

52. Meat products that are customarily eaten without further cooking shall be subjected to a process sufficient to destroy pathogenic bacteria, parasites and cystic forms of parasites. O. Reg. 441/80, s. 9.

INSPECTION OF PLANTS

INSPECTORS

53. Every plant shall be operated under the supervision of an inspector. R.R.O. 1970, Reg. 574, s. 54.

54. Every inspector shall carry with him a certificate of his appointment and, on the request of an operator, shall produce the certificate. R.R.O. 1970, Reg. 574, s. 55.

55. Where any matter for which this Regulation makes no provision arises in the course of an inspection, the inspector shall deal with the matter and shall issue such directions as he considers

necessary or advisable. R.R.O. 1970, Reg. 574, s. 56.

56. Every person shall comply with any direction issued by an inspector under this Regulation. R.R.O. 1970, Reg. 574, s. 57.

57. Where any provision of the Act or this Regulation or any direction of an inspector is not complied with in a plant, an inspector,

- (a) may refuse to provide inspection at the plant or to stamp with the inspection legend or label meat at the plant; and
- (b) shall notify immediately the regional veterinarian and furnish him with full particulars of his reasons for refusing to provide inspection at the plant or for refusing to stamp with the inspection legend or label meat at the plant. R.R.O. 1970, Reg. 574, s. 58.

58.—(1) Every plant shall provide,

- (a) adequate accommodation for the use of the inspector; and
- (b) adequate work space on the floor of the killing room for the inspector during his *post mortem* inspection.

(2) Where a plant requires inspection service for three or more days in a week, the accommodation for the inspector shall include a furnished office for his exclusive use. R.R.O. 1970, Reg. 574, s. 59.

59. An inspector may take or cause to be taken specimens from animals, carcasses or meat products for testing purposes. O. Reg. 441/80, s. 10.

60.—(1) An inspector may hold any equipment, utensil or room in a plant which, in his opinion, does not comply with this Regulation.

(2) Where any equipment, utensil or room is held under subsection (1), the inspector shall attach thereto a yellow tag bearing a serial number and the words "Ont. Held" and shall issue such directions as he considers necessary or advisable.

(3) Where the equipment, utensil or room that has been held under subsection (1) has been made to comply with this Regulation, the inspector shall remove the tag bearing the words "Ont. Held".

(4) Where any equipment, utensil or room is held under subsection (1), no person shall,

- (a) remove the tag bearing the words "Ont. Held"; or
- (b) use such equipment, utensil or room until the inspector has removed such tag. R.R.O. 1970, Reg. 574, s. 61.

INSPECTION SERVICE

61.—(1) Subject to subsection (2), every plant is entitled to inspection service between the hours of 7 a.m. and 6 p.m. on any five days of a week other than Sunday or a holiday.

(2) Where inspection service is provided to a plant on five days of a week and a holiday falls on one of those days, the plant is not entitled to inspection service on another day in lieu thereof. R.R.O. 1970, Reg. 574, s. 62.

62. Inspection shall be carried out in daylight whenever possible. R.R.O. 1970, Reg. 574, s. 63.

63.—(1) Every operator shall arrange with the inspector assigned to the plant for time of slaughter so that the inspector may make arrangements for the *ante mortem* inspection of animals, the *post mortem* inspection of the carcasses of such animals, and the stamping with the inspection legend or labelling of the meat of such animals during the hours prescribed by section 61.

(2) Every operator shall,

- (a) make reasonable arrangements to expedite the *ante mortem* inspection of animals intended for slaughter; and
- (b) conduct the slaughtering and dressing operations with reasonable speed in order to expedite the *post mortem* inspection of the carcasses. R.R.O. 1970, Reg. 574, s. 64.

64. An operator shall make special arrangements,

- (a) with the regional veterinarian where inspection service is required at times other than the hours or days prescribed by section 61; or
- (b) with a veterinary inspector in cases of emergency. R.R.O. 1970, Reg. 574, s. 65.

65. Where an inspector carries out his duties at more than one plant, the regional veterinarian may designate the hours of the day and the days of the week during which each plant may carry out its slaughtering operation. R.R.O. 1970, Reg. 574, s. 66.

66.—(1) Subject to subsection (3), every operator who requires inspection service at time other than the hours or days prescribed by section 61 shall pay a fee for such inspection service. R.R.O. 1970, Reg. 574, s. 67 (1).

(2) The fee for the inspection service mentioned in subsection (1) shall be the cost to the Ministry of Agriculture and Food of providing such service.

(3) Subject to subsection 136 (3), where the inspection service mentioned in subsection (1) is provided on a day designated by the regional veterinarian as a day on which a plant may carry out its slaughtering operation, the operator shall not pay a fee for such inspection service. O. Reg. 441/80, s. 11.

ANTE MORTEM INSPECTION

67. No animal shall be taken into the killing room of a plant unless an inspector has completed an *ante mortem* inspection of the animal and has approved the animal for slaughter. R.R.O. 1970, Reg. 574, s. 68.

68. Where this Regulation prescribes that an animal be held, an inspector shall,

- (a) attach a metal tag bearing a serial number and the words "Ont. Held" to the left ear of the animal; and
- (b) direct that the animal be removed to and detained in an area apart from other animals. R.R.O. 1970, Reg. 574, s. 69.

69. Where this Regulation prescribes that an animal be slaughtered as a held animal, a veterinary inspector shall,

- (a) direct that the animal be slaughtered apart from other animals; and
- (b) make the *post mortem* inspection of the carcass of the animal. R.R.O. 1970, Reg. 574, s. 70.

70. Subject to section 110, where this Regulation prescribes that an animal be condemned, a veterinary inspector shall,

- (a) attach a metal tag bearing a serial number and the words "Ont. Condemned" to the right ear of the animal; and
- (b) direct that the animal be killed and that the carcass,
 - (i) be removed immediately to the storeroom for condemned material,
 - (ii) be denatured by a method approved by the Director; and
 - (iii) be disposed of in the manner prescribed by section 108. R.R.O. 1970, Reg. 574, s. 71.

71. Unless otherwise authorized by an inspector, no person shall,

- (a) place on or remove from an animal a tag bearing the words "Ont. Held" or "Ont. Condemned"; or

- (b) remove an animal that has been held or condemned by an inspector from the area designated by the inspector for the detention of the animal. R.R.O. 1970, Reg. 574, s. 72.

72.—(1) Where, on *ante mortem* inspection of an animal, it appears to an inspector who is not a veterinary inspector that the animal is diseased, crippled, immature or in an advanced state of pregnancy, or that the animal shows evidence of any other abnormal condition, he shall,

- (a) hold the animal; and
- (b) notify a veterinary inspector immediately.

(2) Where a veterinary inspector is notified that an animal has been held, he shall make an *ante mortem* inspection of the animal.

(3) Where a veterinary inspector inspects a held animal and approves the animal for slaughter, he shall,

- (a) remove the tag bearing the words "Ont. Held";
- (b) permit slaughter of the animal; and
- (c) make, or direct an inspector to make, a *post mortem* inspection of the carcass. R.R.O. 1970, Reg. 574, s. 73.

73. Where a veterinary inspector inspects an animal and finds or suspects that the animal is affected with any disease or condition that may cause condemnation of the carcass or a part thereof on *post mortem* inspection, he shall direct that the animal be slaughtered as a held animal. R.R.O. 1970, Reg. 574, s. 74.

74.—(1) Where a veterinary inspector inspects an animal that, in his opinion, is likely to respond to treatment, he shall direct that the animal,

- (a) be held or continue to be held, as the case may be; and
- (b) be set apart for treatment under his supervision.

(2) Where an animal has been set apart for treatment under subsection (1), the veterinary inspector shall release the animal for slaughter at the expiration of the period of treatment if, in his opinion, the animal is fit for slaughter. R.R.O. 1970, Reg. 574, s. 75.

75. Where a veterinary inspector finds that an animal is in an advanced state of pregnancy, he shall direct that the animal,

- (a) be held or continue to be held, as the case may be; and

- (b) shall not be slaughtered until the expiration of at least ten days after parturition. R.R.O. 1970, Reg. 574, s. 76.

76. Where a veterinary inspector finds that an animal has an abnormal temperature, he shall direct that the animal,

- (a) be treated as prescribed by section 74;
- (b) be slaughtered as a held animal; or
- (c) be condemned. O. Reg. 425/72, s. 2, *part.*

77. Where a veterinary inspector inspects an animal and, in his opinion,

- (a) the animal is in a moribund condition; or
- (b) for any other reason, the meat of the animal is not fit for food,

he shall condemn the animal. O. Reg. 425/72, s. 2, *part.*

SLAUGHTER OF ANIMALS

78. An animal shall be slaughtered by a method that produces rapid exsanguination. R.R.O. 1970, Reg. 574, s. 78.

79.—(1) No animal shall be slaughtered unless,

- (a) it is rendered unconscious in accordance with a method prescribed by or authorized under section 81,
 - (i) immediately before slaughter, or
 - (ii) immediately before it is hung for the purpose of slaughter; or
- (b) except in the case of swine, it is slaughtered in accordance with the Jewish ritual slaughter known as *Schechita* by means of a cut resulting in rapid, simultaneous and complete severance of the jugular veins and carotid arteries.

(2) Where an animal is slaughtered by the method referred to in clause (1) (b), it shall, before and during slaughter, be adequately restrained in a device or by a means approved by the Director. R.R.O. 1970, Reg. 574, s. 79.

80. Where an animal is rendered unconscious for the purpose of slaughter, it shall be slaughtered or hung and slaughtered, as the case may be, immediately thereafter. R.R.O. 1970, Reg. 574, s. 80.

81.—(1) For the purposes of slaughter, an animal shall be rendered unconscious,

- (a) by delivering a blow to the head by means of a mechanical penetrating or non-penetrating device approved by the Director;
- (b) in the case of a lamb or young calf, by delivering a blow to the head by manual means;
- (c) by exposure to carbon dioxide gas in a manner that,
 - (i) produces rapid unconsciousness, and
 - (ii) has been approved by the Director; or
- (d) by applying an electrical current to the head,
 - (i) in a manner that produces rapid unconsciousness, and
 - (ii) by a device approved by the Director.

(2) Notwithstanding subsection (1), the Director, on such conditions as he imposes, may authorize the operator of a plant to render an animal unconscious by a method other than a method prescribed by subsection (1). R.R.O. 1970, Reg. 574, s. 81.

82. In slaughtering an animal or rendering it unconscious, no person shall use,

- (a) an instrument unless at the time his ability and physical condition enable him to use the instrument without causing the animal unnecessary pain; or
- (b) a mechanically-operated instrument,
 - (i) in such manner or circumstances, or
 - (ii) the condition or state of repair of which is such,

as may cause the animal unnecessary pain. R.R.O. 1970, Reg. 574, s. 82.

83. An animal shall be prepared for slaughter and slaughtered in a manner that does not cause it unnecessary pain. R.R.O. 1970, Reg. 574, s. 83.

84.—(1) Pens for the purpose of holding animals before slaughter shall be,

- (a) adequately ventilated; and
- (b) free from sharp projections or obstructions that may injure an animal.

(2) Animals shall not be assembled in a pen in a greater number than may be held without overcrowding or risk of injury.

(3) Every ramp or incline used in assembling or moving animals for the purpose of slaughter shall,

- (a) be constructed in a manner that provides safe ascent or descent for the animals; and
- (b) be maintained in a manner that provides good footing for the animals.

(4) An electrical prod used in assembling or moving animals for the purpose of slaughter shall not be applied to the perineal region or escutcheon of an animal. R.R.O. 1970, Reg. 574, s. 84.

POST MORTEM INSPECTION

85. An inspector shall make a *post mortem* inspection of the carcass of an animal immediately after slaughter. R.R.O. 1970, Reg. 574, s. 85.

86. Where this Regulation prescribes that a carcass or a part or organ thereof be held, an inspector shall,

- (a) attach firmly thereto a yellow paper tag bearing a serial number and the words "Ont. Held"; and
- (b) direct that the carcass, part or organ be removed to and detained in an area designated by him. R.R.O. 1970, Reg. 574, s. 86.

87. Where this Regulation prescribes that a carcass or a part or organ thereof be condemned, a veterinary inspector shall,

- (a) attach firmly thereto a black paper tag bearing a serial number and the words "Ont. Condemned"; and
- (b) direct that the carcass, part or organ be,
 - (i) removed immediately to the storage room for condemned material,
 - (ii) denatured by a method approved by the Director, and
 - (iii) disposed of in the manner prescribed by section 108. R.R.O. 1970, Reg. 574, s. 87.

88. Unless otherwise authorized by an inspector, no person shall,

- (a) place on or remove from a carcass or a part or organ thereof a tag bearing the words "Ont. Held" or "Ont. Condemned"; or

- (b) remove a carcass or a part or organ thereof that has been held or condemned from the area designated by an inspector for the detention of the carcass, part or organ. R.R.O. 1970, Reg. 574, s. 88.

89.—(1) Subject to subsection 2, an inspector who is not a veterinary inspector shall,

- (a) if he finds any ground for detaining a carcass or a part or organ thereof for inspection by a veterinary inspector, hold the carcass, notify a veterinary inspector and furnish him with,
 - (i) a description of the carcass,
 - (ii) the reason for which it is held, and
 - (iii) the serial number of the tag bearing the words "Ont. Held"; or
- (b) if he approves a carcass for food, stamp with the inspection legend or label the dressed carcass in the manner prescribed by this Regulation.

(2) An inspector who is not a veterinary inspector may, with the consent of the operator, condemn,

- (a) a badly bruised part of a carcass; or
- (b) a head or organ that is affected with such localized lesions as the Director designates,

unless he is holding the carcass of which they are part for inspection by a veterinary inspector.

(3) Where a veterinary inspector is notified that a carcass has been held, he shall inspect the carcass. R.R.O. 1970, Reg. 574, s. 89.

90. Where a veterinary inspector inspects a carcass and approves the carcass or a part or organ thereof for food, the dressed carcass, part or organ, as the case may be, shall be stamped with the inspection legend or labelled in the manner prescribed by this Regulation. R.R.O. 1970, Reg. 574, s. 90.

91. Where a veterinary inspector inspects a carcass and, in his opinion, the carcass or a part or organ thereof should be held for further inspection, he shall,

- (a) hold or continue to hold, as the case may be, the carcass, part or organ; and
- (b) issue such directions as he considers necessary or advisable. R.R.O. 1970, Reg. 574, s. 91.

92.—(1) Where a veterinary inspector inspects a carcass and, in his opinion, the carcass or a part or organ thereof is not fit for food, he shall condemn the carcass, part or organ.

(2) Where a carcass is condemned under subsection (1), the blood thereof shall be condemned. R.R.O. 1970, Reg. 574, s. 92.

93. An inspector may at any time reinspect in a plant meat that has been stamped with the inspection legend or labelled and the provisions of this Regulation apply to such reinspection. R.R.O. 1970, Reg. 574, s. 93.

94. No carcass or part thereof shall be inflated with air or any other gaseous substance. R.R.O. 1970, Reg. 574, s. 94.

95. A carcass shall be chilled immediately after inspection. R.R.O. 1970, Reg. 574, s. 95.

96. Except in the case of poultry, the sternum of each carcass shall be split and the abdominal and thoracic viscera removed at the time of slaughter. R.R.O. 1970, Reg. 574, s. 96.

97. The head, tongue, tail, thymus gland, viscera, blood and all other parts of a carcass to be used in the preparation of food shall be held in such manner as to preserve their identity with a carcass until the *post mortem* inspection of the carcass has been completed. R.R.O. 1970, Reg. 574, s. 97.

98. Carcasses of hogs and calves shall be thoroughly washed and cleaned before any incision is made for inspection or evisceration. R.R.O. 1970, Reg. 574, s. 98.

99. Hair, scurf, hoofs and claws shall be removed from the carcasses of hogs. R.R.O. 1970, Reg. 574, s. 99.

100. The spermatic cords shall be removed from a hog carcass and the pizzle shall be removed from every carcass. R.R.O. 1970, Reg. 574, s. 100.

101. Hypertrophied skin shall be removed from swine carcasses and condemned. R.R.O. 1970, Reg. 574, s. 101.

102.—(1) The skin shall be removed from a calf carcass,

- (a) that is infested with the larvae of the Ox Warble fly; or
- (b) that is extensively affected with lesions resulting from mange, ringworm or any other skin disease of a like nature.

(2) Where the lesions mentioned in clause (1) (b) are so localized and of such character that they may be readily removed, the part of the skin that is affected shall be removed. R.R.O. 1970, Reg. 574, s. 102.

103.—(1) Lactating mammary glands shall be removed without opening the milk ducts or sinuses.

(2) All mammary glands of swine that are lactating or have been active shall be removed and condemned. R.R.O. 1970, Reg. 574, s. 103.

104. Hair, scurf, brains, eyes, eardrums, teeth and turbinate and ethmoid bones shall be removed from heads intended for food. R.R.O. 1970, Reg. 574, s. 104.

105. Parotid and other salivary glands shall be removed from cheek meat intended for food. R.R.O. 1970, Reg. 574, s. 105.

106. The larynx, epiglottis and tonsils shall be removed from tongues intended for food. R.R.O. 1970, Reg. 574, s. 106.

107. Hearts shall be opened or inverted and washed before they are placed in refrigeration facilities or removed from a plant. R.R.O. 1970, Reg. 574, s. 107.

108. Where this Regulation prescribes that,

- (a) an animal be condemned and killed;
- (b) a carcass or a part or organ thereof be condemned; or
- (c) inedible offal and meat that is not food be disposed of,

an inspector shall direct that such animal, carcass, part, organ, inedible offal or meat that is not food be disposed of by,

- (d) delivery to a rendering plant,
 - (i) licensed under the *Dead Animal Disposal Act*, or
 - (ii) approved under the *Meat Inspection Act* (Canada),

in a vehicle constructed and equipped in accordance with the *Dead Animal Disposal Act*;

- (e) burying with a covering of at least sixty centimetres of earth;
- (f) incineration by a method approved by the Director;
- (g) rendering in a plant that is equipped with high temperature rendering facilities approved by the Director; or
- (h) any other method approved by the Director. R.R.O. 1970, Reg. 574, s. 108; O. Reg. 441/80, s. 13.

DISEASES AND CONDITIONS

109. Where any disease or condition is not dealt with under this Regulation, a veterinary inspector shall deal with the disease or condition as he considers necessary or advisable. R.R.O. 1970, Reg. 574, s. 109.

110.—(1) Where on inspection a veterinary inspector suspects that an animal or carcass is affected with glanders, maladie du coit (dourine), anthrax, hog cholera, mange, vesicular exanthema of swine, sheep scab, rabies, scrapie or such other contagious or infectious disease as may be designated under the *Animal Disease and Protection Act* (Canada), he shall,

- (a) hold the animal or carcass, as the case may be;
- (b) direct that the animal or carcass be removed to and detained in an area apart from other animals or carcasses; and
- (c) notify immediately the Director and the closest district veterinarian appointed under the *Animal Disease and Protection Act* (Canada).

(2) Where on inspection a veterinary inspector finds lesions of tuberculosis in cattle or swine, he shall notify immediately the closest district veterinarian appointed under the *Animal Disease and Protection Act* (Canada) and furnish him with such information and specimens as the Director prescribes. O. Reg. 441/80, s. 14.

111. An animal or carcass affected with any of the following diseases or conditions shall be condemned:

- | | |
|--------------------------------|------------------------------|
| 1. Anaplasmosis. | 12. Piroplasmosis. |
| 2. Anthrax. | 13. Purpura hemorrhagica. |
| 3. Azoturia. | 14. Pyemia. |
| 4. Blackleg. | 15. Rabies. |
| 5. Farcy. | 16. Sappremia. |
| 6. Glanders. | 17. Septicemia. |
| 7. Icterus with hematuria. | 18. Strangles. |
| 8. Infectious equine anemia. | 19. Tetanus. |
| 9. Hog Cholera. | 20. Toxemia. |
| 10. Maladie du coit (dourine). | 21. Uremia. |
| 11. Malignant catarrh. | 22. Vesicular exanthema. |
| | 23. Viral encephalomyelitis. |

R.R.O. 1970, Reg. 574, s. 111.

112. The carcass of an animal that is emaciated, immature or in a post-parturient state shall be condemned if any of the following conditions are present:

Emaciation

1. The emaciation is,
 - (a) distinct from mere leanness;
 - (b) pathological and caused by primary or secondary starvation; and
 - (c) characterized by,
 - (i) atrophy and flabby conditions of the musculature,
 - (ii) the loss of intermuscular and internal fat resulting in the replacement thereof by a yellow jellylike substance, or
 - (iii) diminution of the size of the organs.

Immaturity

- 2.—(1) The meat,
 - (a) has the appearance of being water-soaked;
 - (b) is loose, flabby, tears easily, and can be perforated with the finger; or
 - (c) is grayish red in colour.
- (2) Good muscular development as a whole is lacking, especially on the upper shank of the leg where edema is present between the muscles.
- (3) The tissue that later develops as the fat capsules of the kidneys is edematous, dull yellow or grayish red, tough and intermixed with islands of fat.

Parturition

3. The animal has given birth to young within the ten days immediately preceding slaughter. R.R.O. 1970, Reg. 574, s. 112.

113. The carcass of an animal affected with any of the following diseases or conditions shall be dealt with in the manner prescribed hereunder:

Abnormal Odours

- 1.—(1) Where a carcass is affected with,
 - (a) a pronounced abnormal dietary odour;
 - (b) a pronounced medicinal odour;
 - (c) a urine or abnormal sexual odour; or

- (d) an abnormal metabolic odour associated with febrile conditions,

the carcass shall be condemned.

- (2) A carcass that is mildly affected by any odour mentioned in subparagraph (1) shall be chilled and the disposal of the carcass shall be determined by a heating test.

Abrasions, Bruises, Abscesses, Suppurating sores and Adhesions

- 2.—(1) Where a carcass is badly bruised or extensively affected with abrasions, abscesses, suppurating sores or visceral adhesions, the carcass shall be condemned.

- (2) Where there are, without lymph gland involvement, slight, well-limited abrasions, bruises, abscesses, suppurating sores or adhesions on any part of a carcass, other than the head, tongue and internal organs, the affected tissue shall be removed and condemned.

- (3) Any part of a carcass or any organ that is badly bruised or extensively affected with an abscess, suppurating sore or adhesion shall be removed and condemned.

Actinomycosis or Actinobacillosis

- 3.—(1) Where lesions resulting from actinomycosis or actinobacillosis are generalized, the carcass shall be condemned.

- (2) Where the lesions mentioned in subparagraph (1) are uncomplicated and localized, the affected parts of a carcass shall be removed and condemned.

- (3) Where the head is affected by the lesions mentioned in subparagraph 1, the head, including the tongue, shall be condemned.

- (4) Where the lesions mentioned in subparagraph (1) are slight and confined to the tongue, the tongue and corresponding lymph glands shall be removed and condemned.

Anemia

4. Where anemia is present in conjunction with another disease or condition for which no provision is made under this Regulation, a veterinary inspector shall issue such directions with respect to the disposal of the carcass as he deems necessary or advisable.

Arthritis

- 5.—(1) Where a carcass is affected with arthritis and the condition is,

- (a) generalized and associated with systemic change; or

- (b) characterized by the presence of periarticular abscesses and manifesting suppurative lesions in more than one joint,

the carcass shall be condemned.

(2) Where arthritis is localized and not associated with systemic change, the affected joint and corresponding lymph glands shall be removed in such manner as to avoid contamination of the remainder of the carcass and shall be condemned.

Brucellosis

6.—(1) Where the lesions resulting from brucellosis are generalized, the carcass shall be condemned.

(2) Where the lesions mentioned in subparagraph 1 are localized, the affected parts of the carcass shall be removed and condemned.

Caseous Lymphadenitis

7.—(1) Where caseous lymphadenitis,

- (a) is associated with emaciation or secondary change; or
- (b) is extensive, not confined to the seat of primary infection, and more than one body gland is affected,

the carcass shall be condemned.

(2) Where caseous lymphadenitis is confined to one body gland, the quarter of the carcass in which such gland is located shall be removed and condemned.

Edema

8.—(1) Where edema is generalized, the carcass shall be condemned.

(2) Where edema is slight and confined to the seat of origin, the affected tissues shall be removed and condemned and the remainder of the carcass, on reinspection after chilling for twelve hours, may be approved.

Inflammation

9.—(1) Where the lungs, pleura, intestines, peritoneum, kidneys, uterus or meninges show active and extensive inflammation, the carcass shall be condemned.

(2) Where chronic inflammation is characterized by fibrous tissue adhesions only, the affected part or organ shall be removed and condemned.

(3) In cases other than those mentioned in subparagraphs (1) and (2), a veterinary inspector shall issue such directions with respect to the

disposal of the carcass or any part or organ thereof as he deems necessary or advisable.

Mastitis

10.—(1) Where an udder is affected with mastitis and there is evidence of systemic change, the carcass shall be condemned.

(2) Where there is no evidence of systemic change, an udder affected with mastitis shall be removed and condemned.

Neoplasm

11.—(1) Where any part or organ of a carcass is affected with a malignant tumour that,

- (a) is extensive;
- (b) affects the muscles, skeleton or body lymph glands; or
- (c) is accompanied by evidence of metastasis,

the carcass shall be condemned.

(2) Where any part or organ of a carcass is affected with a malignant tumour and,

- (a) such tumour is primary;
- (b) there is no evidence of metastasis or interference with normal body functions; and
- (c) there is no secondary change,

the affected part or organ shall be removed and condemned.

(3) Where any part or organ of a carcass is affected with a benign tumour and the remainder of the carcass is not affected, the affected part or organ shall be removed and condemned.

Omphalophlebitis

12.—(1) Where any carcass is affected with omphalophlebitis and there is evidence of metastatic involvement, the carcass shall be condemned.

(2) Where there is no evidence of metastatic involvement in a carcass affected with omphalophlebitis, the umbilical region shall be removed and condemned.

Parasites, Tapeworm Cysts and Trichinosis Parasites

13.—(1) Where a carcass shows evidence of infestation with parasites that are not transmissible to man, and the parasites are found to be of such character and distribution that their removal and the removal of the lesions caused by them are impracticable, the carcass shall be condemned.

- (2) Where,
- (a) any part or organ of a carcass shows numerous lesions caused by parasites;
 - (b) the character of the infestation of the part or organ is such that complete removal of the parasites and of the lesions caused by them is difficult to accomplish with certainty; or
 - (c) the parasitic infestation renders the affected part or organ unfit for food,

the affected part or organ shall be removed and condemned.

(3) Where the infestation of a part or organ of a carcass is so localized and of such character that the parasites and the lesions caused by them may be readily removed, the affected area of the part or organ shall be removed and condemned.

Tapeworm Cysts

14.—(1) In this paragraph,

- (a) subparagraphs (2), (3), (4) and (5) apply to cysticercosis in cattle;
- (b) subparagraphs (6) and (7) apply to cysticercosis in sheep; and
- (c) subparagraph (8) applies to cysticercosis in swine.

(2) Where the infestation is excessive or the meat is watery or discoloured, the carcass shall be condemned.

(3) For the purpose of subparagraph (2), the infestation is deemed to be excessive where incisions in various parts of the musculature expose on most of the cut surfaces two or more cysts within an area having a diameter of approximately four inches.

(4) Where the infestation is limited to one dead and calcified cyst, the carcass shall be approved after removal and condemnation of the cyst.

(5) Where the infestation is slight or moderate, as determined by a careful examination of the heart, muscles of mastication, diaphragm and its pillars, tongue and other parts of the carcass that are visible after dressing,

- (a) the cysts and surrounding tissues shall be removed and condemned; and
- (b) the carcass shall be,
 - (i) held continuously in cold storage at a temperature not exceeding minus 10° C. for a period of not less than twenty days, or

- (ii) treated by any other method prescribed by the Director,

before the carcass may be approved.

(6) Where the infestation is of such character and distribution that the complete removal of the cysts cannot be accomplished with certainty, the carcass shall be condemned.

(7) Where the infestation is slight and all cysts can be removed, such cysts and surrounding tissues shall be removed and condemned and the carcass may be approved.

(8) A carcass affected with *cysticercus cellulosae* shall be condemned.

Trichinosis

15.—(1) Where an inspector has reason to believe that swine may be affected with trichinosis, he shall,

- (a) direct that the animals be slaughtered as held animals;
- (b) submit such specimens as are necessary for the purpose of an analysis to a laboratory designated by the Director;
- (c) hold the carcasses of the animals; and
- (d) issue such directions as he considers necessary or advisable.

(2) Where an analysis under subparagraph (1) shows that trichinae are present, the carcasses shall be condemned.

(3) Where an analysis under subparagraph (1) does not show the presence of trichinae, a veterinary inspector may direct that the carcasses shall be treated by the method prescribed by the Director.

Pasteurellosis

16.—(1) Where the lesions resulting from pasteurellosis are associated with systemic change, the carcass shall be condemned.

(2) Where the lesions mentioned in subparagraph (1) are localized, the affected part or organ of the carcass shall be removed and condemned.

Pigmentation

17.—(1) Any liver that is affected extensively with carotenosis shall be removed and condemned.

(2) Where,

- (a) a carcass or a part or organ thereof is affected with melanosis, porphyria or ochronosis; and

- (b) such forms of pigmentation cannot be completely removed,

the affected carcass shall be condemned or the affected part or organ shall be removed and condemned, as the case may be.

(3) Where xanthomatosis results in the extensive discolouration of the musculature, the carcass shall be condemned.

(4) Where xanthomatosis is confined to any part or organ of a carcass, the affected part or organ shall be removed and condemned.

(5) Where a carcass shows,

(a) any degree of icterus with parenchymatous degeneration of organs; or

(b) an intense yellow or greenish-yellow discolouration,

the carcass shall be condemned.

(6) Where a carcass shows a slight icteric-like discolouration that disappears on chilling, the carcass may be approved.

(7) For the purpose of subparagraph (6), the examination of the carcass shall be made under natural light.

Pyelonephritis

18.—(1) Where a carcass is affected with pyelonephritis and the condition is bilateral or associated with emaciation, the carcass shall be condemned.

(2) Where a carcass is affected with pyelonephritis and the condition is not bilateral or not associated with emaciation, the kidneys and corresponding lymph glands shall be removed and condemned.

Salmonellosis

19.—(1) Where on *ante mortem* inspection a veterinary inspector suspects that an animal is infected with salmonellosis, he shall,

(a) direct that such animal be slaughtered as a held animal;

(b) submit such specimens to a Regional Veterinary Laboratory of the Ministry of Agriculture and Food as are necessary for the purpose of an analysis;

(c) hold the carcass of such animal; and

(d) issue such directions as he considers necessary or advisable.

(2) Where an analysis under subparagraph (1) shows that the disease is generalized, the carcass shall be condemned and, where the analysis shows that the disease is localized, the affected part or organ shall be removed and condemned.

Skin Diseases

20.—(1) Where a carcass is affected with mange, scab, ringworm or any other skin disease of a like nature in advanced stages and shows emaciation, cachexia or extensive inflammation of the flesh, the carcass shall be condemned.

(2) Where any disease mentioned in subparagraph (1) is slight, the affected parts of the carcass shall be removed and condemned.

Swine Erysipelas

21.—(1) Where,

(a) swine erysipelas is acute, generalized, or accompanied by valvular endocarditis; or

(b) a hog carcass is affected extensively with the diamond-skin form of erysipelas,

the carcass shall be condemned.

(2) Where the lesions resulting from swine erysipelas are localized or not associated with systemic change, the affected parts of the carcass shall be removed and condemned.

Telangiectasis

22. Livers affected with telangiectasis shall,

(a) be condemned; or

(b) be denatured by a method prescribed by the Director and disposed of for the purpose of animal food in the manner prescribed by the Director under subsection 30 (4).

Traumatic Pericarditis

23.—(1) Where,

(a) traumatic pericarditis is acute or associated with systemic change; or

(b) the lesions resulting from traumatic pericarditis are diffuse, with or without pus,

the carcass shall be condemned.

(2) Where the lesions resulting from traumatic pericarditis are,

(a) localized; and

(b) encapsulated, if purulent,

the affected part or organ shall be removed and condemned.

Tuberculosis

24.—(1) Where tuberculosis is extensive or associated with emaciation, the carcass shall be condemned.

(2) Where the lesions resulting from tuberculosis are,

- (a) collectively small in extent;
- (b) either calcified or encapsulated; and
- (c) confined to,
 - (i) the head and the corresponding lymph glands,
 - (ii) the abdominal cavity and the corresponding lymph glands, or
 - (iii) the thoracic cavity and the corresponding lymph glands,

the head, the affected parts or organs of the abdominal cavity or the affected parts or organs of the thoracic cavity, as the case may be, shall be condemned. R.R.O. 1970, Reg. 574, s. 113; O. Reg. 441/80, s. 15.

114. For the purposes of paragraphs 3 and 24 of section 113, lesions are deemed to be extensive or generalized where,

- (a) they are present,
 - (i) at the usual seats of primary infection and in the parts or organs of the carcass that may be reached by the organisms of tuberculosis, actinomycosis or actinobacillosis only when they are carried in the systemic circulation, or
 - (ii) in the digestive or respiratory tracts, including the lymph glands connected therewith, and in any two of the organs comprised of the spleen, kidneys, uterus, udder, ovary, testicle, adrenal gland, brain, spinal cord, or the membranes of any of them; or
 - (iii) numerous lesions of tuberculosis, actinomycosis or actinobacillosis are distributed uniformly throughout both lungs. R.R.O. 1970, Reg. 574, s. 114.

115. Where this Regulation provides that a part or organ of a carcass shall be removed and condemned, the remainder of the carcass may be approved for food if it is otherwise fit for food. R.R.O. 1970, Reg. 574, s. 115.

STAMPING AND LABELLING

116.—(1) The following form of inspection legend shall be used for the stamping and labelling of meat at a plant:



(2) The inspection legend shall include the number assigned to the plant by the director. R.R.O. 1970, Reg. 574, s. 116.

117.—(1) The inspection legend shall be applied only to meat that has been approved for food under the Act and this Regulation.

(2) No person other than an inspector or a person authorized by him shall apply the inspection legend. R.R.O. 1970, Reg. 574, s. 117.

118.—(1) Subject to subsection (4), every dressed carcass or a part or organ thereof that has been approved for food shall be stamped or labelled with the inspection legend.

(2) Except in the case of poultry, the inspection legend shall be placed on each quarter and, where the dressed carcass is cut in a plant, on each primal cut.

(3) Any meat that is obtained from a dressed carcass or a part or organ thereof that has been inspected and stamped and is of such character or size that it is impracticable to stamp the inspection legend thereon may be placed in a container under the supervision of an inspector who shall apply or authorize a person to apply the inspection legend to such container.

(4) In the case of poultry, a dressed carcass that has been approved for food may be placed in a plastic container bearing the inspection legend. R.R.O. 1970, Reg. 574, s. 118.

119.—(1) Where practicable, the inspection legend shall be applied by means of a metal stamp.

(2) Where it is impracticable to use a metal stamp, the inspection legend shall be applied by means of,

(a) a tag attached to a carcass or a part, organ or cut thereof; or

(b) a label applied to a container of meat,

in a form and manner approved by the Director.

(3) Where the inspection legend is applied under subsection (2), the tag, label or container bearing the inspection legend shall be destroyed immediately upon use of the meat or removal of the meat from the container. R.R.O. 1970, Reg. 574, s. 119.

120. Inspectors shall have custody of and be responsible for all stamps, tags, labels and containers bearing the inspection legend. R.R.O. 1970, Reg. 574, s. 120.

121. Any ink used in a plant for marking meat shall be made from harmless ingredients and samples shall be submitted for analysis on the request of the regional veterinarian. R.R.O. 1970, Reg. 574, s. 121.

122. Only ink approved by the Director shall be used to apply the inspection legend to meat. O. Reg. 713/77, s. 1.

123.—(1) No person shall apply to meat or a container of meat any stamp, tag or label that is similar to the inspection legend prescribed by this Regulation or any tag or label approved by the Director.

(2) Letters or figures on any brand, stamp or device used by an operator shall be of such style and type as to make a clear and legible impression. R.R.O. 1970, Reg. 574, s. 123.

POULTRY

124.—(1) Every plant in which poultry is slaughtered shall have adequate facilities for,

(a) receiving and holding live poultry;

(b) slaughtering poultry and scalding carcasses;

(c) plucking carcasses;

(d) eviscerating carcasses and chilling dressed carcasses;

(e) storing inedible offal, meat that is not food, condemned material and refuse;

(f) storing dressed carcasses; and

(g) cleaning and disinfecting live poultry containers.

(2) The facilities mentioned in subsection 1 shall be in proper sequence for the slaughtering and eviscerating operations. R.R.O. 1970, Reg. 574, s. 124.

125. Every plant in which poultry is slaughtered shall be equipped with,

(a) scalding equipment of suitable metal construction, either tank or spray design, with,

(i) overflow outlets of sufficient size to prevent clogging, and

(ii) outlets discharging into or close to drains;

(b) chilling vats or tanks that,

(i) are of rust-resistant metal or other suitable material impervious to liquids, and

(ii) are constructed with coved corners;

(c) water spray washing equipment with sufficient water pressure to wash carcasses thoroughly;

(d) containers of metal or other suitable material impervious to liquids and covered with insect-proof covers of the same construction for handling or storing inedible offal, meat that is not food, condemned material and refuse;

(e) sterilizer; and

(f) such other equipment as the director requires. R.R.O. 1970, Reg. 574, s. 125.

126. Holding batteries shall be of metal construction and shall have metal dropping pans designed to permit thorough clearing. R.R.O. 1970, Reg. 574, s. 126.

127. Ice shovels shall be of smooth rust-resistant material. R.R.O. 1970, Reg. 574, s. 127.

128.—(1) Conveyors shall be of rust-resistant metal or other suitable material impervious to liquids and designed to permit thorough cleaning.

(2) Overhead conveyors shall be constructed so as to prevent the accumulation of grease, oil and dirt on drop chains and shackles.

(3) Drop chains and shackles shall be of rust-resistant material impervious to liquids. R.R.O. 1970, Reg. 574, s. 128.

129.—(1) Inspection and eviscerating tables shall be of rust-resistant material impervious to liquids and designed to permit thorough cleaning.

(2) Cutting tables shall be rust-resistant and free of any crack or crevice. R.R.O. 1970, Reg. 574, s. 129.

130. Poultry that dies while being held at a plant shall be disposed of in the manner prescribed by subsection 133 (2). R.R.O. 1970, Reg. 574, s. 130.

ANTE MORTEM INSPECTION OF POULTRY

131. Poultry to which the Act and this Regulation applies shall,

- (a) be separated and kept apart from poultry exempt from the Act and this Regulation on being taken into the receiving and holding area;
- (b) be slaughtered apart from such exempt poultry; and
- (c) be made available for *ante mortem* inspection, evisceration and *post mortem* inspection. R.R.O. 1970, Reg. 574, s. 131.

132.—(1) Every bird to which the Act and this Regulation applies shall be assembled in the receiving and holding area and made available for *ante mortem* inspection.

(2) No bird mentioned in subsection (1) shall be taken into the killing area of a plant unless an inspector has completed an *ante mortem* inspection of the bird and has approved the bird for slaughter. R.R.O. 1970, Reg. 574, s. 132.

133.—(1) Where a veterinary inspector inspects a bird and, in his opinion,

- (a) the bird is in a moribund condition; or
- (b) for any other reason, the meat of the bird is not fit for food,

he shall condemn the bird.

(2) A bird that has been condemned under subsection (1) shall be marked as a condemned bird and killed apart from other birds and its carcass shall,

- (a) be removed immediately to the storage room for condemned material;
- (b) be denatured by a method approved by the Director; and
- (c) be disposed of in the manner prescribed by section 108.

(3) Where an *ante mortem* inspection of a bird is made by an inspector who is not a veterinary inspector and, in his opinion,

- (a) the bird is in a moribund condition; or

- (b) for any other reason, the meat of the bird is not fit for food,

he shall mark the bird as a held bird and shall notify a veterinary inspector.

(4) Where a bird is held under subsection (3), the operator may agree to condemnation of the bird and the bird shall be dealt with in the manner prescribed by subsection (2). R.R.O. 1970, Reg. 574, s. 133.

134. Where on *ante mortem* inspection of a bird an inspector finds or suspects that it is affected with any disease or condition that may cause condemnation of the carcass or a part or organ thereof on *post mortem* inspection, he shall,

- (a) in the case of an inspector who is not a veterinary inspector, mark the bird as a held bird and shall notify a veterinary inspector; or
- (b) in the case of a veterinary inspector, mark the bird as a held bird and hold it apart from other birds for separate slaughter, evisceration and *post mortem* inspection. R.R.O. 1970, Reg. 574, s. 134.

135. Where a bird has been marked as a held or condemned bird, no person, unless otherwise authorized by an inspector, shall,

- (a) remove the mark from the bird; or
- (b) remove the bird from the area designated by the inspector for the detention of the bird. R.R.O. 1970, Reg. 574, s. 135.

POST MORTEM INSPECTION OF POULTRY

136.—(1) An inspector shall make at the time of evisceration a *post mortem* inspection of the carcass of every bird slaughtered at a plant. R.R.O. 1970, Reg. 574, s. 136 (1).

(2) After slaughter every bird shall be eviscerated in the presence of an inspector.

(3) Where evisceration is not carried out at the time of slaughter, the operator shall pay an inspection fee equal to the cost to the Ministry of Agriculture and Food of providing such inspection service.

(4) Every carcass shall be opened and eviscerated in such manner as to,

- (a) preserve the identity of the viscera; and
- (b) expose the organs and body cavity,

for proper inspection.

(5) Oil sacs may be removed and condemned prior to inspection. O. Reg. 441/80, s. 16.

137.—(1) On *post mortem* inspection of the carcass of a bird an inspector shall,

- (a) in the case of an inspector who is not a veterinary inspector, approve the dressed carcass for food, or in the case of a veterinary inspector, approve the dressed carcass or a part or organ thereof for food;
- (b) mark the carcass as a held carcass for further inspection; or
- (c) in the case of a veterinary inspector, mark the carcass or a part or organ thereof as a condemned carcass, part or organ and direct the disposal thereof in the manner prescribed by section 108.

(2) Where an inspector who is not a veterinary inspector makes a *post mortem* inspection of the carcass of a bird and it appears to him that the carcass or a part or organ thereof should be held for further inspection, he shall mark the carcass as a held carcass and shall notify a veterinary inspector.

(3) Where an inspector who is not a veterinary inspector holds a carcass under subsection (2), the operator may agree to the condemnation of the carcass and the carcass shall be dealt with in the manner prescribed by subsection 133 (2). R.R.O. 1970, Reg. 574, s. 137.

138. Where the carcass of a bird or a part or organ thereof has been marked as a held or condemned carcass, part or organ, no person, unless otherwise authorized by an inspector, shall,

- (a) remove the mark from the carcass, part or organ; or
 - (b) remove the carcass, part or organ from the area designated by the inspector for the detention of the carcass, part or organ.
- R.R.O. 1970, Reg. 574, s. 138.

DISEASES AND CONDITIONS OF POULTRY

139. Where any disease or condition affecting poultry is not dealt with under this Regulation, a veterinary inspector shall deal with such disease or condition as he deems necessary or advisable. R.R.O. 1970, Reg. 574, s. 139.

140. Where on inspection a veterinary inspector suspects that a bird or carcass is affected with avian pneumoencephalitis, fowl pest or fowl typhoid, he shall deal with the bird or carcass in the manner prescribed by subsection 110 (1). R.R.O. 1970, Reg. 574, s. 140.

141. A bird or carcass affected with any of the following diseases or conditions shall be condemned:

1. Avian Leukosis complex.
2. Botulism.
3. Erysipelothrix septicemia.
4. Listerellosis.
5. Ornithosis.
6. Paratyphoid septicemia.
7. Septicemia.
8. Toxemia.
9. Tuberculosis. R.R.O. 1970, Reg. 574, s. 141.

142.—(1) Subject to subsection (2), a bird or carcass affected with any of the following diseases shall be condemned:

1. Avian pneumoencephalitis.
2. Chronic respiratory disease.
3. Coccidiosis.
4. Enterohepatitis.
5. Fowl cholera.
6. Fowl pox.
7. Fowl typhoid.
8. Infectious bronchitis.
9. Infectious coryza.
10. Infectious laryngotracheitis.
11. Mycotic infections.
12. Pseudotuberculosis.
13. Pullorum disease.
14. Trichomoniasis.

(2) Where a carcass shows only localized lesions and no systemic change caused by any of the diseases mentioned in subsection (1), the affected parts or organs shall be removed and condemned. R.R.O. 1970, Reg. 574, s. 142.

143. A bird or carcass affected with any of the the following conditions shall be dealt with in the manner prescribed hereunder:

Abrasions, Bruises, Abscesses and Adhesions

- 1.—1. Where a carcass is badly bruised or extensively affected with abrasions, abscesses or visceral adhesions, the carcass shall be condemned.

2. Where the abrasions, bruises, abscesses or visceral adhesions are slight and well-limited, the affected tissue shall be removed and condemned.

Contamination

2. Where a carcass or a part or organ thereof is contaminated by oils, paints, poisons, gases or other substances which render the carcass, part or organ unfit for food, the carcass shall be condemned or the part or organ shall be removed and condemned.

Emaciation

3. Where the emaciation is such as to render meat unfit for food, the carcass shall be condemned.

Parasites

4. Except in the case of coccidiosis, enterohepatitis, and trichomoniasis, where a part or edible organ of a carcass shows evidence of infestation with parasites or lesions caused by parasites, the part or organ shall be removed and condemned.

Urate Deposits

5. Where a carcass shows marked deposits of urates in the organs or tissues, the carcass shall be condemned. R.R.O. 1970, Reg. 574, s. 143.

144.—(1) An inspector may at any time reinspect in a plant eviscerated poultry to which the inspection legend has been applied and the provisions of this Regulation apply to such reinspection.

(2) Where eviscerated poultry shows on reinspection putrefaction or decomposition, the poultry shall be condemned.

(3) Where eviscerated poultry shows on reinspection *post mortem* change that is superficial in nature, the poultry may be approved after any affected part has been removed and condemned. R.R.O. 1970, Reg. 574, s. 144.

DETENTION

145. An inspector may detain any meat or meat products where he believes on reasonable and probable grounds that there is a contravention of the Act or this Regulation in respect thereof. O. Reg. 441/80, s. 17, *part*.

146. Where an inspector detains meat or meat products he shall,

- (a) attach thereto a red tag bearing a serial number and the words "Ontario Detained";
- (b) forthwith thereafter notify the owner or the person who had possession thereof in Form 3 of,

- (i) the detention, and
- (ii) the grounds on which he believes that there is a contravention of the Act or this Regulation in respect thereof; and

(c) direct that such meat or meat products be detained in the place where they were found or be removed to another place designated by him at the risk and expense of the owner. O. Reg. 441/80, s. 17, *part*.

147. Where an inspector is satisfied that meat or meat products under detention comply with the Act and this Regulation in respect thereof he shall remove the tag and release the meat or meat products from detention. O. Reg. 441/80, s. 17, *part*.

148. Where, after a hearing, the Director finds that there is a contravention of the Act or this Regulation in respect of meat or meat products under detention, the Director may direct that such meat or meat products be destroyed or otherwise disposed of in such manner as he considers advisable. O. Reg. 441/80, s. 17, *part*.

149. Where a person is convicted of an offence against the Act or this Regulation in respect of meat or meat products that are under detention, the Director may direct that such meat or meat products be destroyed or otherwise disposed of in such manner as he considers advisable. O. Reg. 441/80, s. 17, *part*.

150. Where meat or meat products are under detention, no person shall,

- (a) remove the tag bearing the words "Ontario Detained"; or
- (b) sell, offer to sell, move, disturb, allow or cause to be moved or disturbed, receive or process such meat or meat products. O. Reg. 441/80, s. 17, *part*.

Form 1

Meat Inspection Act (Ontario)

LICENCE FOR THE OPERATION OF A PLANT

Licence No.

Under the *Meat Inspection Act (Ontario)* and the regulations, and subject to the limitations thereof, this licence is issued to

.....
(name)
.....
(address)
carrying on business as.....
(firm name)

to engage in the business of operating a plant at . . .
.....
(address of plant)

This licence continues in force until it is suspended
or revoked in accordance with the regulations.

Plant No. is assigned to this plant.

Issued at Toronto, this day of
19.....

.....
(signature of issuer)

R.R.O. 1970, Reg. 574, Form 1.

Form 2

Meat Inspection Act (Ontario)

APPLICATION FOR LICENCE FOR THE
OPERATION OF A PLANT

To: The Director,
Veterinary Services Branch,
Ministry of Agriculture and Food,
Legislative Buildings,
Toronto, Ontario.
M7A 1B3.

.....
(name of applicant)

.....
(address)

applies for a licence to engage in the business of
operating a plant under the *Meat Inspection Act*
(*Ontario*) and the regulations, and in support of this
application the following facts are stated:

1. Name under which business is carried on . . .
.....
2. Owner of plant.
(if partnership, list names of all partners)
3. Business address of applicant
4. Location of plant.
(Lot Con. Twp. County etc.)
5. Kind and number of animals slaughtered per
week.
6. Days of the week on which the slaughtering
operation is carried out.

7. Other relevant statements
(attach additional pages,

.....
if necessary)

.....

I undertake to furnish to the Director, Veterinary
Services Branch details of any changes from the facts
stated in this application within ten days from the
date on which the changes are made.

Dated at this day of ...
....., 19.....

.....
(signature of applicant)

.....
(title of official signing)

R.R.O. 1970, Reg. 574, Form 2; O. Reg. 441/80, s. 18.

Form 3

Meat Inspection Act (Ontario)

NOTICE OF DETENTION

To:

.....

.....

You are hereby advised thatcartons/
carcasses/packages of meat/meat products found in the
possession of

.....
at

or in a conveyance

on at
(date) (time)

have been placed under detention by me in accordance
with the regulations under the *Meat Inspection Act*
(*Ontario*).

The grounds on which I believe there is a contraven-
tion of the Act or the regulations are as follows:

.....

.....

.....

NOTE: Where meat or meat products are under detention, no person shall,

- (a) remove the tag bearing the words "Ontario Detained"; or
- (b) sell, offer to sell, move, disturb, allow or cause to be moved or disturbed, receive or process such meat or meat products.

.....
Inspector

Dated at, this day of, 19...

O. Reg. 441/80, s. 19.

REGULATION 608

under the Mechanics' Lien Act

GENERAL

1.—(1) Every claim for lien under subsection 17 (1) of the Act shall be in Form 1, 3 or 5. R.R.O. 1970, Reg. 575, s. 1 (1).

(2) Every notice of claim for lien under section 23 of the Act shall be in Form 2, 4 or 6, as the case may be. O. Reg. 849/75, s. 1 (1).

(3) The affidavit verifying the lien required by subsection 17 (2) or by subsection 23 (8) of the Act shall be in Form 7. R.R.O. 1970, Reg. 575, s. 1 (2); O. Reg. 849/75, s. 1 (2).

(4) Where a reference for trial is directed under subsection 35 (2) of the Act the judgment shall be in Form 8. R.R.O. 1970, Reg. 575, s. 1 (3).

(5) Service of a notice in Form 2, 4 or 6, as the case may be, may be used as notice under subsection 12 (6) of the Act.

(6) Every notice of trial served under subsection 42 (2) of the Act shall be in Form 9 or 10, as the case may be.

(7) After the trial, the results thereof shall be embodied,

(a) in the case of a Judge, in a judgment in Form 11 or 12, as the case may be; and

(b) in the case of a Master, in a Report in Form 13 or 14, as the case may be. O. Reg. 849/75, s. 1 (3).

2. Every contractor on a public work shall display and keep displayed in a conspicuous place on the site of the work the following notice:

This project is a public work. Any person who places or furnishes any materials, or does any work on or in respect of this project may be protected by the *Mechanics' Lien Act*. Notices of claim for lien must be sent to the following address: (here set out the name and address of the appropriate office of the Crown to which notice of a claim for lien must be sent, as provided by section 3 of this Regulation). O. Reg. 849/75, s. 2, *part*.

3. The appropriate office of the Crown to which notice of a claim for lien in respect of a public work must be sent is as follows:

1. Where the contract is with a Ministry of the Crown, the office of the Director of Legal Services of that Ministry.

2. Where the contract is with the Ontario Housing Corporation, the office of the Director of Legal Services of the Ministry of Housing.

3. Where the contract is with a college of applied arts and technology, the office of the president of the college.

4. Where the contract is with any other office of the Crown, the chief executive officer of the office. O. Reg. 849/75, s. 2, *part*.

Form 1

Mechanics' Lien Act

CLAIM FOR LIEN

A.B. (name of claimant) of (here state address for service of claimant), (if claimant is a personal representative or assignee set out the facts; under the *Mechanics' Lien Act* claims a lien upon the estate of (here state the name and address of the owner of the land upon which the lien is claimed) in the under-mentioned land in respect of the following work (or service or materials) that is to say (here give a short description of the nature of the work done or to be done or service performed or to be performed or materials furnished or to be furnished and for which the lien is claimed).

The work or service was completed or the last material was furnished on the.....day of

....., 19...., or the work or service is to be completed or the material is to be furnished on

or before the.....day of....., 19...., and the name and address of the person for whom the work was done or service performed or

material furnished is.....

The amount claimed as due (or to become due) is the sum of \$.....

The following is the description of the land to be charged (here set out a concise description of the land to be charged sufficient for the purpose of registration).

(Where credit has been given, insert): The work was done (or services were performed or materials were furnished) on credit, and the period of credit agreed

to expired (or will expire) on the .....day of, 19.... Dated at, this .....day of, 19.... (signature of claimant) R.R.O. 1970, Reg. 575, Form 1.
---	---

Form 2

Mechanics' Lien Act

NOTICE OF CLAIM

A.B. of
 (name of claimant) (here state address for service of claimant)

(if claimant is a personal representative or assignee set out the facts) hereby gives notice under subsection 12 (6) and under section 23 of the *Mechanics' Lien Act* of a claim for a lien in respect of

work done (or materials placed or furnished) for
 (here state name and address of person for whom the

.....in respect of a public work (or a municipal work was done or the materials were placed or furnished)

municipal public street or highway) located at
 (here give the address or a description of the location of the

 land)

The following is a short description of the nature of the work done or to be done or service performed or to be performed or materials placed or furnished or to be placed or furnished:

The work (or service) was completed (or the last material was placed or furnished) on theday of
, 19...., or the work or service is to be completed or the material is to be placed
 or furnished on theday of, 19....

The amount claimed as due (or to become due) is the sum of \$.....(Where credit has been given, insert:) The work was done (or services were performed, or materials were placed or furnished) on credit, and the period of credit agreed to expired (or will expire) on theday of, 19....

Dated at, thisday of, 19....

.....
 (signature of claimant)

NOTE: While this Form may be used as notice under subsection 12 (6) of the Act, it will only be effective where the owner, contractor or subcontractor, whom it is intended to bind, is given notice. O. Reg. 849/75, s. 3, *part*.

Form 3

Mechanics' Lien Act

CLAIM FOR LIEN FOR WAGES

A.B. (name of claimant) of (here state address for service of claimant), (if claimant is a personal representative or assignee set out the facts) under the *Mechanics' Lien Act*, claims a lien upon the estate of (here state the name and address of the owner of the land upon which the lien is claimed), in the undermentioned land in respect of work performed (or to be performed) thereon while in the employment of (here state the name and address of the person upon whose request the work was or is to be performed)

on or before the....day of....., 19....

The amount claimed as due is \$.....for
.....days wages.

The following is the description of the land to be charged (here set out a concise description of the land to be charged sufficient for the purpose of registration).

Dated at....., this.....day of
....., 19....

.....
(signature of claimant)

R.R.O. 1970, Reg. 575, Form 2.

Form 4

Mechanics' Lien Act

NOTICE OF CLAIM FOR LIEN FOR WAGES

A.B.....of.....
(name of claimant) (here state address for service of claimant)

(if claimant is a personal representative or assignee, set out the facts) hereby gives notice under subsection 12 (6) and under section 23 of the *Mechanics' Lien Act* of a claim for lien for work done or to be done on or in respect of the undermentioned public work (or municipal public street or highway) while in the employment of.....
(here set out the name and address of the person at whose request

.....
the work was done or is to be done)

The work was done on or before the.....day of....., 19....

The amount claimed as due is the sum of \$.....for.....days wages.

The subject public work (or municipal public street or highway) is located at.....
(here give the address or a

.....
description of the location of the land upon or in respect of which the work was done)

Dated at....., this.....day of....., 19....

.....
(signature of claimant)

NOTE: While this Form may be used as notice under subsection 12 (6) of the Act, it will only be effective where the owner, contractor or subcontractor, whom it is intended to bind, is given notice. O. Reg. 849/75, s. 3, *part*.

Form 5

Mechanics' Lien Act

CLAIM FOR LIEN FOR WAGES BY SEVERAL CLAIMANTS

The following persons claim a lien under the *Mechanics' Lien Act*, upon the estate of (here state the name and address of the owner of the land upon which the lien is claimed) in the under-mentioned land in respect of wages for labour performed (or to be performed) thereon while in the employment of (here state name and address or names and address of employers of the several persons claiming the lien).

A.B. of (address for service) \$.....for.....
days wages for work done on or before the.....
day of....., 19....
C.D. of (address for service) \$.....for.....
days wages for work done on or before the.....

day of....., 19....
E.F. of (address for service) \$.....for.....
days wages for work done on or before the.....
day of....., 19....

The following is the description of the land to be charged (here set out a concise description of the land to be charged sufficient for the purpose of registration).

Dated at....., this.....day of
....., 19....
.....
(signature of claimant)
.....
(signature of claimant)
.....
(signature of claimant)

R.R.O. 1970, Reg. 575, Form 3.

Form 6

Mechanics' Lien Act

NOTICE OF CLAIM FOR LIEN FOR WAGES BY SEVERAL CLAIMANTS

The following persons hereby give notice under subsection 12 (6) and under section 23 of the *Mechanics' Lien Act* of a claim for lien for work done on or in respect of the undermentioned public work (or municipal public street or highway) while in the employment of.....
(here state the name and address

.....:
or names and addresses of the employers of the several persons claiming the lien)
A.B. of....., \$..... for days wages for work done on or
(address for service)
before the.....day of....., 19....
C.D. of
(address for service)
\$.....for.....days wages for work done on or before the.....day of....., 19....
E.F. of....., \$.....for.....days wages for work done on or
(address for service)
before the.....day of....., 19....

The subject public work (or municipal public street or highway) is located at.....
(here give the address or a

.....
description of the location of the land or premises upon or in respect of which the work was done)

Dated at, this day of, 19

.....
(signature of claimant)
.....
(signature of claimant)
.....
(signature of claimant)

NOTE: While this Form may be used as notice under subsection 12 (6) of the Act, it will only be effective where the owner, contractor or subcontractor, whom it is intended to bind, is given notice. O. Reg. 849/75, s. 3, *part*.

Form 7

Mechanics' Lien Act

AFFIDAVIT VERIFYING CLAIM

I, A.B., named in the above (or annexed) claim, make oath that the facts contained therein are true.

or, We, A.B. and C.D., named in the above (or annexed) claim, make oath, and each for himself makes oath that the facts contained therein, so far as they relate to him, are true.

Where the affidavit is made by an agent or assignee a clause must be added to the following effect:— I have full knowledge of the facts set forth in the above (or annexed) claim.

Sworn before me at....., in the
.....of....., this.....
day of....., 19....

A Commissioner, etc.

Or, The said A.B. and C.D. were severally sworn before me at....., in the.....of
....., this.....day of....., 19....

A Commissioner, etc.

Form 8

Mechanics' Lien Act

JUDGMENT DIRECTING A REFERENCE FOR TRIAL

(Style of Cause)

Upon the application of the plaintiff made under the provisions of subsection 35 (2) of the *Mechanics' Lien Act*, in the presence of counsel for the plaintiff and the defendants, and upon reading the pleadings in this action and upon hearing what was alleged by counsel aforesaid, (and the parties by their counsel consenting thereto, or as the case may be).

1. THIS COURT DOTH ORDER AND ADJUDGE that this action be and the same is referred to the Master at Toronto for trial.

2. AND THIS COURT DOTH FURTHER ORDER AND ADJUDGE that the parties do recover the respective amounts found due by the Master from the parties found liable by the Master forthwith after confirmation of the report of the Master.

3. AND THIS COURT DOTH FURTHER ORDER AND ADJUDGE that the Master do determine all questions arising in this action and on the reference, and that the findings of the Master respecting the matters so referred be effective upon the confirmation of the Master's report.

4. AND THIS COURT DOTH FURTHER ORDER that the Master do determine the question of costs in this action and of the reference, and that the costs be taxed and paid as the Master shall direct.

Form 9
Mechanics' Lien Act
NOTICE OF TRIAL
(*Style of Cause*)

TAKE NOTICE that, pursuant to the Order of
.....dated the.....day of.....
....., 19...., this action will be tried at the
..... in theof
....., in the County (or District) of
..... on the.....day of
.....by.....and at such time
and place the will proceed to try
the action and all questions as provided by the
Mechanics' Lien Act.

AND FURTHER TAKE NOTICE that if you do
not appear at the trial and defend the action or prove
your claim, if any, the proceedings will be taken in

your absence and you may be deprived of all benefit
of the proceedings and your rights disposed of in
your absence.

AND FURTHER TAKE NOTICE that all parties and
lien claimants shall bring with them on the day
herein set for trial all mortgages, contracts, agree-
ments, orders, cheques, notes, delivery slips, time-
books, books of account, diaries, duplicate original
liens, and any other books or papers necessary to
prove liens or defences. If any person fails to com-
ply with these directions, the costs of the day may be
given against him in the event that an adjourn-
ment is necessary for the production of any of the
above-mentioned documentary evidence.

This is a Mechanics' Lien action brought by the
above-named plaintiffs against the above-named
defendants to enforce a Mechanics' Lien against the
following lands: (set out description of lands).

This notice is served by, etc.

Dated....., 19....

To.....

R.R.O. 1970, Reg. 575, Form 6.

Form 10
Mechanics' Lien Act
NOTICE OF TRIAL
(*Style of Cause*)

TAKE NOTICE that, pursuant to the Order of.....
dated the.....day of....., 19...., this action will be tried at the.....
in the.....of....., in the County (or District) of.....
.....on the.....day of.....by.....
and at such time and place the.....will proceed to try the action and all
questions as provided by the *Mechanics' Lien Act*.

AND FURTHER TAKE NOTICE that if you do not appear at the trial and defend the action or prove
your claim, if any, the proceedings will be taken in your absence and you may be deprived of all benefit
of the proceedings and your rights disposed of in your absence.

AND FURTHER TAKE NOTICE that all parties and lien claimants shall bring with them on the day
herein set for trial all mortgages, contracts, agreements, orders, cheques, notes, delivery slips, time-books,
books of account, diaries, and any other books or papers necessary to prove liens or defences. If any
person fails to comply with these directions, the costs of the day may be given against him in the event
that an adjournment is necessary for the production of any of the above-mentioned documentary
evidence.

This is a Mechanics' Lien action, brought by the above-named plaintiffs, against the above-named defendants, to enforce a mechanics' lien against the amounts required to be retained by section 12 of the *Mechanics' Lien Act* in connection with the work done on the following lands (set out description of lands or otherwise identify work).

This notice is served by, etc.

Dated:, 19...

To:

O. Reg. 849/75, s. 3, *part.*

Form 11

Mechanics' Lien Act

JUDGMENT

(*Style of Cause*)

This action coming on for trial before.....

at.....upon opening of the matter and it appearing that the following persons have been duly served with notice of trial herein (set out names of all persons served with notice of trial) and all such persons (or as the case may be) appearing at the trial (or and the following persons not having appeared set out names of non-appearing persons) and upon hearing the evidence adduced and what was alleged by counsel for the plaintiff and for C.D. and E.F. and the defendant (or and by A.B. appearing in person).

1. This Court doth declare that the plaintiff and the several persons mentioned in Schedule 1 hereto are respectively entitled to a lien under the *Mechanics' Lien Act* upon the land described in Schedule 2 hereto for the amounts set opposite their respective names in the 2nd, 3rd and 4th columns of Schedule 1, and the persons primarily liable for the claims respectively are set forth in the 5th column of Schedule 1.

2. (And this Court doth further declare that the several persons mentioned in Schedule 3 hereto are also entitled to some lien, charge or encumbrance upon such land for the amounts set opposite their respective names in the 4th column of Schedule 3, according to the facts.)

3. And this Court doth further order and adjudge that upon the defendant (A.B., the owner) paying into Court to the credit of this action the sum of

.....(gross amount of liens in Schedule 1 for which the owner is liable) on or before the

.....day of.....next, that the liens mentioned in Schedule 1 be and the same are hereby discharged and the money so paid into Court is to be paid out in payment of the claims of the lienholders.

4. In case the defendant (owner) makes default in payment of the money into Court this Court doth order and adjudge that such land be sold with the

approbation of the Master of this Court at..... and that the purchase money be paid into Court to the credit of this Action.

5. And this Court doth order and adjudge that such purchase money be applied in or towards payment of the several claims mentioned in Schedule(s) 1 (and 3) as the Master shall direct, with subsequent interest and subsequent costs to be computed and taxed by the Master.

6. And this Court doth further order and adjudge that in case such purchase money is insufficient to pay in full the claims of the several persons mentioned in Schedule 1, the persons primarily liable for such claim as shown in Schedule 1 do pay to the persons to whom they are respectively primarily liable the amount remaining due to such persons forthwith after the same has been ascertained by the Master.

7. (And this Court doth declare that have not proved any lien under the *Mechanics' Lien Act*, and that they are not entitled to any such lien, and this Court doth order and adjudge that the claims of liens registered by them against the land mentioned in Schedule 2 be and the same are hereby discharged, according to the fact.)

Schedule 1

Names of lienholders entitled to mechanics' liens	Amount of debt and interest (if any)	Costs	Total	Names of primary debtors

(Signature of officer)

Schedule 2

The lands in question in this matter are.....
(Set out a description sufficient for registration purposes).

(Signature of officer)

Schedule 3

Names of persons entitled to encumbrances other than mechanics' liens	Amount of debt and interest (if any)	Costs	Total

(Signature of officer)

R.R.O. 1970, Reg. 575, Form 7.

Form 12

Mechanics' Lien Act

JUDGMENT

(Style of Cause)

This action coming on for trial before.....at.....
upon opening of the matter and it appearing that the following persons have been duly served with notice of trial herein (set out names of all persons served with notice of trial) and all such persons (or as the case may be) appearing at the trial (or, and the following persons not having appeared set out names of non-appearing persons) and upon hearing the evidence adduced and what was alleged by counsel for the plaintiff and for C.D. and E.F. and the defendant (or and by A.B. appearing in person).

1. This Court Doth Declare that amount required to be retained by the defendant A.B. (the owner)
under section 12 of the *Mechanics' Lien Act* is the sum of \$.....

2. This Court Doth Further Declare that the plaintiff and the several persons mentioned in Column 1 of Schedule 1 hereto are respectively entitled to a lien under the *Mechanics' Lien Act* which lien is a charge on the amount required to be retained by section 12 of the Act for the amounts set opposite their respective names in columns 2, 3 and 4 of the said Schedule 1 and the person primarily liable is set forth in Column 6 of Schedule 1.

3. And this Court Doth Further Order and Adjudge that upon the defendant A.B. (the owner) paying into Court to the credit of this action the sum of \$.....(gross amount of liens in Schedule 1 for which the owner is liable on or before the.....day of..... next, that the liens mentioned in Schedule 1 be and the same are hereby discharged and the money so paid into Court is to be paid out to the plaintiff and the several persons mentioned in Column 1 of Schedule 1 in accordance with Column 5 of Schedule 1.

4. And this Court Doth Further Order and Adjudge that in case the amounts required to be retained by section 12 of the *Mechanics' Lien Act* are insufficient to pay in full the claims of the several persons mentioned in Schedule 1, the persons primarily liable for such claim as shown in Column 6 of Schedule 1 do pay to the persons to whom they are respectively primarily liable the amount remaining due to such persons forthwith after the same has been ascertained.

5. And this Court Doth Declare that.....have not proved any lien under the *Mechanics' Lien Act*, and that they are not entitled to any such lien. O. Reg. 849/75, s. 3. *part*.

Form 13

Mechanics' Lien Act

REPORT

(*Style of Cause*)

Pursuant to the judgment of reference herein dated.....and it appearing that the following persons have been duly served with notice of trial herein (set out names of all persons served with notice of trial) I was attended by counsel for the plaintiff and for.....no one appearing for.....although duly notified as aforesaid (or as the case may be) and upon hearing the evidence adduced and what was alleged by counsel for the plaintiff and for C.D. and E.F. and the defendant (or and by A.B. appearing in person).

1. I find that the plaintiff and the several persons mentioned in Schedule 1 hereto are respectively entitled to a lien under the *Mechanics' Lien Act* upon the land described in Schedule 2 hereto for the amounts set opposite their respective names in the second, third and fourth columns of Schedule 1, and the persons primarily liable for the claims respectively are set forth in the fifth column of Schedule 1.

2. (And I find that the several persons mentioned in Schedule 3 hereto are also entitled to some lien, charge or encumbrance upon the land for the amounts set opposite their respective names in the fourth column of Schedule 3, according to the facts.)

3. And I direct that upon the defendant (A.B. the owner) paying into Court to the credit of this action the sum of \$..... (gross amount of liens in Schedule 1 for which the owner is liable) on or before the.....day of..... next, that the liens in Schedule 1 mentioned be and the same are hereby discharged and the money so paid into Court is to be paid out in payment of the claims of the lienholders.

4. In case the defendant (owner) makes default in payment of the money into Court, I direct that the land be sold with the approbation of the Master of this Court at.....and that the purchase money be paid into Court to the credit of this action.

5. And I direct that the purchase money be applied in or towards payment of the several claims mentioned in Schedule(s) 1 (and 3) as the Master shall direct with subsequent interest and subsequent costs to be computed and taxed by the Master.

6. And I direct that in case the purchase money is insufficient to pay in full the claims of the several persons mentioned in Schedule 1, the persons primarily liable for such claim as shown in Schedule 1 do pay to the persons to whom they are respectively primarily liable the amount remaining due to such persons forthwith after the same shall have been ascertained by the Master.

7. (And I find and declare that have not proved any lien under the *Mechanics' Lien Act* and that they are not entitled to any such lien, and I direct that the claims of liens registered by them against the land mentioned in Schedule 2 be and the same are hereby discharged, according to the fact.)

Schedule 1

Names of lienholders entitled to mechanics' liens	Amount of debt and interest (if any)	Costs	Total	Names of primary debtors

.....
(Signature of officer)

Schedule 2

The lands in question in this matter are.....
(Set out a description sufficient for registration purposes).

.....
(Signature of officer)

Schedule 3

Names of persons entitled to encumbrances other than mechanics' liens	Amount of debt and interest (if any)	Costs	Total

.....
(Signature of officer)

R.R.O. 1970, Reg. 575, Form 8.

Form 14

Mechanics' Lien Act

REPORT

(Style of Cause)

Pursuant to the judgment of reference herein dated..... and it appearing that the following persons have been duly served with notice of trial herein (set out names of all persons served with notice of trial) I was attended by counsel for the plaintiff and for.....
no one appearing for.....although duly notified as aforesaid (or as the case may be) and upon hearing the evidence adduced and what was alleged by counsel for the plaintiff and for C.D. and E.F. and the defendant (or and by A.B. appearing in person).

1. I find and declare that amount required to be retained by the defendant A.B. (the owner) under section 12 of the *Mechanics' Lien Act* is the sum of \$.....

5. And I find and declare that.....have not proved any lien under the *Mechanics' Lien Act*, and that they are not entitled to any such lien.

Names of lienholders entitled to mechanics' liens	Amount of debt and interest (if any)	Costs	Total	Prorated Share	Persons Primarily Liable

(signature of officer)
O. Reg. 849/75, s. 3, *part.*

REGULATION 609

under the Mental Health Act

APPLICATION OF ACT

1. For the purposes of the Act, the following facilities are designated as psychiatric facilities:

Schedule 1

ITEM	LOCATION	NAME
1.	Barrie	Royal Victoria Hospital of Barrie
2.	Belleville	Belleville General Hospital
3.	Brampton	Peel Memorial Hospital
4.	Brantford	The Brantford General Hospital
5.	Brockville	Brockville Psychiatric Hospital (except St. Lawrence Regional Centre)
6.	Burlington	Joseph Brant Memorial Hospital
7.	Chatham	Public General Hospital
8.	Cornwall	Cornwall General Hospital
9.	Don Mills	North York General Hospital
10.	Downsview	York-Finch General Hospital
11.	Goderich	Alexander Marine and General Hospital
12.	Guelph	Homewood Sanitarium Limited
13.	Hamilton	Hamilton General Hospital
14.	Hamilton	Hamilton Psychiatric Hospital
15.	Hamilton	McMaster University Medical Centre
16.	Hamilton	Henderson General Hospital
17.	Hamilton	St. Joseph's Hospital
18.	Kingston	Hotel Dieu Hospital
19.	Kingston	Beechgrove Regional Children's Centre
20.	Kingston	Kingston General Hospital
21.	Kingston	Kingston Psychiatric Hospital (except L. S. Penrose Centre)
22.	Kitchener	Kitchener-Waterloo General Hospital
23.	London	London Psychiatric Hospital
24.	London	St. Joseph's Hospital
25.	London	University Hospital, London
26.	London	Victoria Hospital
27.	Mississauga	Mississauga Hospital
28.	New Toronto	Lakeshore Psychiatric Hospital
29.	Newmarket	York County Hospital
30.	Niagara Falls	The Greater Niagara General Hospital
31.	North Bay	North Bay Psychiatric Hospital (except Nipissing Regional Centre)
32.	Oshawa	Oshawa General Hospital
33.	Ottawa	Children's Hospital of Eastern Ontario
34.	Ottawa	Hôpital Montfort
35.	Ottawa	Queensway-Carleton Hospital
36.	Ottawa	Royal Ottawa Hospital
37.	Ottawa	Royal Ottawa Hospital—Regional Children's Centre
38.	Ottawa	Ottawa Civic Hospital
39.	Ottawa	Ottawa General Hospital
40.	Owen Sound	The Owen Sound General and Marine Hospital
41.	Penetanguishene	Mental Health Centre, Penetanguishene
42.	Peterborough	The Peterborough Civic Hospital
43.	Rexdale	Thistleton Regional Centre for Children and Adolescents
44.	St. Catharines	The St. Catharines General Hospital
45.	St. Thomas	St. Thomas Psychiatric Hospital (except St. Thomas Adult Rehabilitation & Training Centre)
46.	Sarnia	Sarnia General Hospital
47.	Sault Ste. Marie	The Plummer Memorial Public Hospital
48.	Scarborough	Scarborough Centenary Hospital
49.	Scarborough	Scarborough General Hospital
50.	Stratford	Stratford General Hospital
51.	Sudbury	Sudbury Algoma Sanatorium Association—Community Psychiatric Hospital
52.	Sudbury	Sudbury Algoma Sanatorium Association—Regional Children's Centre
53.	Sudbury	Sudbury General Hospital of the Immaculate Heart of Mary
54.	Thunder Bay	Lakehead Psychiatric Hospital (except Northwestern Regional Centre)
55.	Thunder Bay	McKellar General Hospital
56.	Timmins	St. Mary's Hospital
57.	Toronto	Clarke Institute of Psychiatry
58.	Toronto	Etobicoke General Hospital
59.	Toronto	Mount Sinai Hospital
60.	Toronto	Northwestern General Hospital
61.	Toronto	Queen Street Mental Health Centre
62.	Toronto	Queensway General Hospital
63.	Toronto	St. Joseph's Hospital
64.	Toronto	St. Michael's Hospital
65.	Toronto	Sunnybrook Hospital
66.	Toronto	Toronto East General and Orthopaedic Hospital
67.	Toronto	Toronto General Hospital
68.	Toronto	Toronto Western Hospital
69.	Toronto	The Wellesley Hospital
70.	Toronto	Women's College Hospital
71.	Welland	Welland County General Hospital
72.	Weston	Humber Memorial Hospital
73.	Whitby	Whitby Psychiatric Hospital (except Durham Centre for the Developmentally Handicapped)

74.	Willowdale	North York Branson Hospital
75.	Windsor	Hotel Dieu of St. Joseph's
76.	Windsor	Metropolitan General Hospital
77.	Windsor	Windsor Western Hospital Centre Inc.
78.	Woodstock	Woodstock General Hospital

O. Reg. 94/72, s. 1, *part*; O. Reg. 122/73, s. 1; O. Reg. 549/73, s. 1; O. Reg. 186/74, s. 1; O. Reg. 190/74, s. 1; O. Reg. 237/74, s. 1; O. Reg. 820/74, s. 1; O. Reg. 472/75, s. 1; O. Reg. 874/75, s. 1; O. Reg. 280/76, s. 1; O. Reg. 281/76, ss. 1, 2; O. Reg. 728/76, s. 1 (1); O. Reg. 8/77, s. 1; O. Reg. 273/77, s. 1; O. Reg. 489/77, s. 1; O. Reg. 892/77, s. 1; O. Reg. 205/78, s. 1; O. Reg. 208/78, s. 1 (1); O. Reg. 328/78, s. 1; O. Reg. 585/78, s. 1; O. Reg. 700/78, s. 1; O. Reg. 72/79, s. 1 (1); O. Reg. 648/79, s. 1; O. Reg. 738/79, s. 1 (1); O. Reg. 775/80, s. 1.

Schedule 2

ITEM	LOCATION	NAME
1.	Brantford	Brantford Sanatorium (except Brantwood)
2.	Kingston	Institute of Psychotherapy
3.	Kingston	Ongwanada Sanatorium (except Mental Retardation Unit)
4.	Thunder Bay	Walter P. Hogarth Memorial Hospital (except Mental Retardation Unit)
5.	Toronto	Sunnyside Private Hospital

O. Reg. 94/72, s. 1, *part*; O. Reg. 122/73, s. 2; O. Reg. 167/74, s. 1; O. Reg. 237/74, s. 2.

Schedule 3

ITEM	LOCATION	NAME
1.	Bracebridge	South Muskoka Memorial Hospital
2.	Burlington	Children's Assessment and Treatment Centre
3.	Cambridge	Cambridge Memorial Hospital
4.	Chatham	Lester B. Pearson Centre
5.	Clinton	Huron Centre for Children and Youth
6.	Dryden	Patricia Centre for Children and Youth
7.	Guelph	Community Psychiatric Hospital
8.	Hamilton	Hamilton-Wentworth Regional Health Child and Adolescent Unit
9.	Islington	Etobicoke Educational Clinic
10.	Kapuskasing	Kapuskasing Regional Children and Youth Development Centre
11.	Kenora	Lake of the Woods Child Development Centre

12.	Kingston	The Therapeutic Nursery School
13.	London	London Family Court Clinic
14.	London	Western Ontario Therapeutic Community Hostel
15.	L'Orignal	Centre Des Services Pour Enfants De Prescott et Russell
16.	Mississauga	West End Creche Child & Family Clinic
17.	Niagara-on-the-Lake	Niagara Centre for Youth Care
18.	North York	Adventure Place
19.	Oakville	Oakville Trafalgar Memorial Hospital
20.	Ottawa	Family Court Clinic
21.	Parry Sound	Parry Sound District Children's Mental Health Services Inc.
22.	Pembroke	Pembroke General Hospital
23.	Pembroke	Renfrew County Youth Services
24.	Richmond Hill	The York Centre for Learning Disabilities
25.	Richmond Hill	York Central Hospital
26.	Sarnia	Sarnia Lambton Centre for Children and Youth
27.	Sault Ste. Marie	Children's Mental Health Algoma
28.	Scarborough	East Metro Youth Services
29.	Scarborough	West End Creche Child & Family Clinic
30.	Timmins	South Cochrane Child and Youth Service
31.	Toronto	Borough of York Child Guidance Clinic
32.	Toronto	Cecilia Smith Nursery School
33.	Toronto	Central Toronto Youth Services
34.	Toronto	Interval Community Day Program
35.	Toronto	Jewish Family and Child Service of Metropolitan Toronto
36.	Toronto	Mercury Youth Services
37.	Toronto	Oolagen
38.	Toronto	Stothers' Pre-School Child Care Centre
39.	Toronto	The Hospital for Sick Children
40.	Toronto	West End Creche Child & Family Clinic
41.	Toronto	Youthdale Residential Treatment Centres Limited
42.	Welland	Child Development Centre
43.	Willowdale	North York Centre for Youth Services
44.	Windsor	Children's Achievement Centre
45.	Windsor	Windsor Child's Place

O. Reg. 405/80, s. 1 (1); O. Reg. 787/80, s. 1 (1).

Schedule 4

ITEM LOCATION

NAME

1.	Ailsa Craig	Craigwood
2.	Aurora	Blue Hills Academy
3.	Aurora	Youthdale Residential Treatment Centres Limited
4.	Barrie	Browndale (Ontario)
5.	Beaverton	Chimo Youth Services
6.	Burlington	Woodview Children's Centre
7.	Clarksburg	C.M. Hinck's Treatment Centre
8.	Clarksburg	Kerry's Place
9.	Hagersville	White Oaks Village
10.	Haliburton	Browndale (Ontario)
11.	Hamilton	Woodview Children's Centre
12.	Hamilton	Lynwood Hall Children's Centre
13.	Kingston	Sunnyside Children's Centre
14.	Kinmount	Chimo Youth Services
15.	London	Madame Vanier Children's Services
16.	Magnetawan	Youthdale Residential Treatment Centres Limited
17.	Mansfield	Blue Hills Academy (MacDonald House)
18.	Midland	Browndale (Ontario)
19.	Minden	Integra Foundation
20.	Newmarket	Browndale (Ontario)
21.	North Bay	Browndale (Ontario)
22.	North York	The Dellcrest Children's Centre
23.	North York	Powell-Brown Children's Centre
24.	Orillia	Tamarac Treatment Centre
25.	Oshawa	Durham House
26.	Oshawa	Frontenac Youth Services
27.	Ottawa	Centre for Educative Growth
28.	Ottawa	Child Study Centre
29.	Ottawa	Ottawa-Carleton Regional Residential Treatment Centre
30.	Peterborough	Browndale (Ontario)
31.	Port Bolster	Chimo Youth Services
32.	Scarborough	Sacred Heart Child and Family Centre
33.	Simcoe	Blue Hills Academy
34.	Thunder Bay	Browndale (Ontario)
35.	Toronto	Browndale (Ontario)
36.	Toronto	C.M. Hinck's Treatment Centre
37.	Toronto	The Dellcrest Children's Centre
38.	Toronto	Earls Court Children's Home
39.	Toronto	The Geneva Centre
40.	Toronto	Humber Bay Child and Family Clinic
41.	Toronto	Huntley Youth Services
42.	Toronto	Integra Foundation
43.	Toronto	Oolagen

44.	Toronto	Youthdale Residential Treatment Centres Limited
45.	Waterloo	Lutherwood
46.	Wellandport	Horizons' Homes
47.	Whitby	Durham House
48.	Windsor	Maryvale
49.	Windsor	Windsor Group Therapy Project
50.	Windsor	Windsor Western Hospital Centre

O. Reg. 405/80, s. 1 (2); O. Reg. 787/80, s. 1 (2).

STANDARDS

2. Plans and specifications for the creation, establishment, construction, alteration or renovation of a psychiatric facility shall be submitted to the Minister for approval. R.R.O. 1970, Reg. 576, s. 2.

3.—(1) Subject to subsection (2), the area served by a psychiatric facility shall contain a population of not less than 75,000 persons. R.R.O. 1970, Reg. 576, s. 3 (1).

(2) Subsection (1) does not apply to the following psychiatric facilities:

1.	Kingston	Institute of Psychotherapy Ltd.
2.	Toronto	Sunnyside Private Hospital
3.	Willowdale	Willowdale Hospital Ltd.

R.R.O. 1970, Reg. 576, s. 3 (2); O. Reg. 94/72, s. 2.

4.—(1) Subject to subsection (3), every psychiatric facility shall offer to the population served by it a program that includes the following essential services:

1. In-patient services
2. Out-patient services
3. Day-care services
4. Emergency services
5. Consultative and educational services to local agencies.

(2) Any alteration in the program of a psychiatric facility that limits or restricts any of the essential services listed in subsection (1) shall be submitted to the Minister for approval. R.R.O. 1970, Reg. 576, s. 4 (1, 2).

(3) Subsection (1) does not apply,

(a) in respect of in-patient services, to the psychiatric facilities listed in Schedule 3;

(b) in respect of out-patient services, to the following psychiatric facilities:

1.	Guelph	Homewood Sanitarium Limited
----	--------	-----------------------------

2. The psychiatric facilities listed in Schedules 2 and 4;

(c) in respect of day-care services to the following psychiatric facilities:

1. Guelph Homewood Sanitarium Limited

2. The psychiatric facilities listed in Schedules 2, 3 and 4;

(d) in respect of emergency services, to the following psychiatric facilities:

1. Guelph Homewood Sanitarium Limited
2. Toronto West End Creche

3. The psychiatric facilities listed in Schedules 2 and 4;

(e) in respect of consultative and educational services to local agencies, to the following psychiatric facilities:

1. Guelph Homewood Sanitarium Limited

2. The psychiatric facilities listed in Schedules 2 and 4. R.R.O. 1970, Reg. 576, s. 4 (3); O. Reg. 132/71, s. 2; O. Reg. 237/74, s. 4.

5.—(1) Subject to subsection (2), the observation, care and treatment of patients of a psychiatric facility shall be under the direction and supervision of a psychiatrist. R.R.O. 1970, Reg. 576, s. 5 (1).

(2) Subsection (1) does not apply to the following psychiatric facilities:

1. Downsview Powell-Brown Nursery School
2. Hamilton Hamilton Mental Health Clinic for Children and Adolescents
3. London Western Ontario Therapeutic Community Hostel
4. North York Adventure Place
5. Ottawa Child Development Clinic
6. Richmond Hill York Educational Clinic
7. Sarnia Sarnia Lambton Centre for Children and Youth
8. Toronto Cecilia Smith Nursery School
9. Toronto Child and Family Clinic, Borough of York
10. Toronto Integra Foundation
11. Toronto Stothers Pre-school Child Care Centre
12. Toronto West End Creche
13. Welland Child Development Centre

14. Woodstock Woodstock General Hospital
15. The psychiatric facilities listed in Schedule 2 except the following:

Kingston Institute of Psychotherapy Ltd.

16. The psychiatric facilities listed in Schedule 4.

O. Reg. 98/75, s. 1; O. Reg. 336/78, s. 1.

RETURNS

6. The Minister may require a psychiatric facility to furnish such returns, reports and information as he may from time to time consider necessary. R.R.O. 1970, Reg. 576, s. 6.

APPLICATION OF PART II OF ACT

7.—(1) Every psychiatric facility listed in Schedules 2, 3 and 4 is exempt from the application of Part II, other than section 29, of the Act. O. Reg. 750/78, s. 1.

(2) Notwithstanding subsection (1), every psychiatric facility listed in Schedule 3 shall be deemed to be an appropriate place for the purpose of an examination referred to in section 10 or 11 of the Act. R.R.O. 1970, Reg. 576, s. 7 (2).

ABSENCE WITHOUT AUTHORIZATION

8.—(1) Where the absence without authorization of a patient who is subject to detention otherwise than under this Act becomes known to the officer-in-charge, the officer-in-charge shall forthwith,

(a) issue an order for return in the prescribed Form; and

(b) notify the appropriate law enforcement authorities.

(2) Where the officer-in-charge has issued an order for return under clause 22 (1) (b) of the Act and has notified law enforcement authorities, he shall further notify such authorities forthwith,

(a) when the patient has returned; or

(b) when the patient has not returned and the order has expired. R.R.O. 1970, Reg. 576, s. 8.

REVIEW BOARDS

9. The officer in charge shall complete and transmit to the chairman of the regional review board a notice in Form 17 of the filing of a fourth certificate of renewal or a subsequent fourth certificate of renewal respecting a patient. O. Reg. 981/78, s. 1.

10. Where a request for the discharge of a patient has been denied, the patient or other person to whom

the denial is made shall be advised of any rights he may have to make application to a review board. R.R.O. 1970, Reg. 576, s. 10.

11. Every psychiatric facility in respect of which a review board has jurisdiction shall provide applications for review and envelopes pre-addressed to the chairman of the review board having jurisdiction and an application and envelope shall be furnished forthwith to any person who requests them. R.R.O. 1970, Reg. 576, s. 11.

12. The written report of the decision of a review board referred to in section 33 of the Act shall be transmitted to the persons described therein within seven days after the decision is reached and not later than one month from the date of receipt of the application for review by the chairman. R.R.O. 1970, Reg. 576, s. 13.

13. The written report of the recommendations of an advisory review board referred to in section 34 of the Act shall be transmitted to the Lieutenant Governor in Council within one month after the recommendations are settled. R.R.O. 1970, Reg. 576, s. 14.

14.—(1) A member of a review board who is a psychiatrist or a barrister and solicitor shall be paid \$210 for each day he is engaged upon the work of the board plus \$26.25 for each hour in excess of eight hours worked in one day.

(2) The chairman of a review board who is not a psychiatrist or a barrister and solicitor shall be paid \$100 for each day he is engaged upon the work of the board.

(3) A member of a review board who is not referred to in subsection (1) or (2) shall be paid \$75 for each day he is engaged upon the work of the board.

(4) The chairman of an advisory review board who is a judge of the Supreme Court shall be paid only the necessary expenses referred to in subsection (7), but where he is a retired judge of the Supreme Court and there is one advisory review board, he shall be paid an annual honorarium of \$12,500 which shall be deemed to include the necessary expenses referred to in that subsection.

(5) A member of an advisory review board who is a psychiatrist or a barrister and solicitor shall be paid \$210 for each day he is engaged upon the work of the board plus \$26.25 for each hour in excess of eight hours worked in one day.

(6) A member of an advisory review board who is not referred to in subsection (4) or (5) shall be paid \$75 for each day he is engaged upon the work of the board. O. Reg. 796/78, s. 1, *part*.

(7) Except as otherwise provided, in addition to the remuneration set out in subsections (1) to (6), members of review boards or advisory review boards shall be

paid their necessary and reasonable expenses incurred in connection with their work as board members. O. Reg. 685/80, s. 1.

APPLICATION OF PART III OF ACT

15. The following psychiatric facilities are exempt from the application of Part III of the Act:

- | | |
|--|--|
| 1. Guelph | Homewood Sanitarium Limited |
| 2. Kingston | Institute of Psychotherapy Ltd. |
| 3. Toronto | Sunnyside Private Hospital |
| 4. Willowdale | Willowdale Hospital Ltd. |
| 5. The psychiatric facilities listed in schedules 3 and 4. | R.R.O. 1970, Reg. 576, s. 16; O. Reg. 94/72, s. 4. |

FORMS

16.—(1) An application made under subsection 9 (1) of the Act shall be in Form 1. R.R.O. 1970, Reg. 576, s. 17 (1).

(2) An order for assessment issued under subsection 10 (1) of the Act shall be in Form 2.

(3) A certificate of involuntary admission shall be in Form 3.

(4) A certificate of renewal shall be in Form 4. O. Reg. 750/78, s. 3, *part*.

(5) The document referred to in subsection 14 (7) of the Act shall be in Form 5.

(6) An order made under subsection 15 (1) of the Act shall be in Form 6.

(7) An order made under subsection 15 (3) of the Act shall be in Form 7.

(8) An order made under subsection 16 (1) of the Act shall be in Form 8.

(9) An order for return issued under clause 22 (1) (b) of the Act shall be in Form 9.

(10) A memorandum of transfer referred to in subsection 23 (1) of the Act shall be in Form 10.

(11) Where a patient is transferred under subsection 24 (1) of the Act, Form 11 shall be completed by the officer-in-charge.

(12) A warrant under section 25 of the Act shall be in Form 12. R.R.O. 1970, Reg. 576, s. 17 (5-12).

(13) An order under section 26 of the Act shall be in Form 13.

- (14) A consent to the disclosure, transmittal or examination of a clinical record under subsection 29 (3) of the Act shall be in Form 14.
- (15) A statement by an attending physician under subsection 29 (6) of the Act shall be in Form 15.
- (16) An application to a regional review board under section 31 of the Act shall be in Form 16.
- (17) An application to a regional review board under section 43 of the Act shall be in Form 18.
- (18) An application to a regional review board under section 35 of the Act shall be in Form 19.
- (19) A statement in support of an application under section 35 of the Act shall be in Form 20.
- (20) A certificate of incompetence issued under subsection 36 (4) of the Act shall be in Form 21.
- (21) A financial statement under section 39 of the Act shall be in Form 22.
- (22) A notice of cancellation of a certificate of incompetence under section 40 of the Act shall be in Form 23.
- (23) A notice of continuance under subsection 41 (2) of the Act shall be in Form 24. O. Reg. 750/78, s. 3, *part*.

Form 1

Mental Health Act

APPLICATION BY PHYSICIAN FOR
PSYCHIATRIC ASSESSMENT

I,
(print name of physician)

of
(address of physician)

the undersigned physician, state that:

1. on the day of
19.., I personally examined.....
(print
.....of.....
full name of person) (home address)

2. I have reasonable cause to believe
that the said person

See
Note 1.

3. In addition, I am of the opinion that
the said person is apparently suffering
from mental disorder of a nature or
quality that likely will result in

See
Note 2.

4. I made careful inquiry into all of the
facts necessary for me to form my
opinion as to the nature and quality
of the said person's mental disorder.

5. The facts upon which I formed my
opinion as to the nature and quality
of the said person's mental disorder,

(a) that were observed by me, are
as follows:
.....
.....

(b) that were communicated to me
by others, are as follows:
.....
.....

6. The reason(s) why no measure short of
hospitalization is (are) appropriate for
this assessment is (are) as follows:
.....
.....

I therefore hereby make application for
a psychiatric assessment of the said
.....
(full name of person)

To the best of my knowledge the said
person routinely receives the following
medication:
.....
.....

To the best of my knowledge the said
person has received the following medica-
tion within the last twenty-four hours:
.....
.....

Signed this day of
19...
.....
(signature of physician)

NOTES: 1. Subsection 9 (1) of the Act states in part:

“where a physician examines a person and has reasonable cause to believe that the person,

- (a) has threatened or attempted or is threatening or attempting to cause bodily harm to himself;
- (b) has behaved or is behaving violently towards another person or has caused or is causing another person to fear bodily harm from him; or
- (c) has shown or is showing a lack of competence to care for himself.”

2. Subsection 9 (1) of the Act states in part:

“the physician is of the opinion that the person is apparently suffering from mental disorder of a nature or quality that likely will result in,

- (d) serious bodily harm to the person;
- (e) serious bodily harm to another person; or
- (f) imminent and serious physical impairment of the person.”

3. Subsection 9 (4) of the Act is as follows:

“an application under subsection (1) is not effective unless it is signed by the physician within seven days after he examined the person who is the subject of the examination.”

4. Subsection 9 (5) of the Act is as follows:

“an application under subsection (1) is sufficient authority for seven days from and including the day on which it is signed by the physician,

- (a) to any person to take the person who is the subject of the application in custody to a psychiatric facility forthwith; and
- (b) to detain the person who is the subject of the application in a psychiatric facility and to restrain, observe and examine him in the facility for not more than 120 hours.”
O. Reg. 750/78, s. 4 (3), *part.*

Form 2

Mental Health Act

ORDER FOR ASSESSMENT

To the peace officers of

.....

Whereas information upon oath has been brought before me, a justice of the peace in and for

.....
(name of area of jurisdiction)

by.....
(print full name of person bringing information)

of.....
(address of person bringing information)

that.....
(print full name or other description of person to be assessed)

of.....
(home address, if known)

See
Note 1.

and based upon the information before me I have reasonable cause to believe that such person is apparently suffering from mental disorder of a nature or quality that likely will result in

See
Note 2.

Now therefore I hereby order and direct you, the said peace officers, or any of you, to take the said

.....
(name or other description of person)

in custody forthwith to an appropriate place for assessment by a physician.

.....
(signature of Justice of the Peace)

.....
(print name of Justice of the Peace)

Dated the day of,

19...

NOTES: 1. Subsection 10 (1) of the Act states in part:

“where information upon oath is brought before a justice of the peace that a person within the limits of the jurisdiction of the justice,

(a) has threatened or attempted or is threatening or attempting to cause bodily harm to himself;

(b) has behaved or is behaving violently towards another person or has caused or is causing another person to fear bodily harm from him; or

(c) has shown or is showing a lack of competence to care for himself.”

2. Subsection 10 (1) of the Act states in part:

“based upon the information before him the justice of the peace has reasonable cause to believe that the person is apparently suffering from mental disorder of a nature or quality that likely will result in,

(d) serious bodily harm to the person;

(e) serious bodily harm to another person; or

(f) imminent and serious physical impairment of the person.”

3. Subsection 10 (3) of the Act is as follows:

“an order under this section shall direct, and, for a period not to exceed seven days from and including the day that it is made, is sufficient authority for any constable or other peace officer to whom it is addressed to take the person named or described therein in custody forthwith to an appropriate place where he may be detained for assessment by a physician.”

4. Section 12 of the *Mental Health Act* states in part that “where practicable the (appropriate) place shall be a psychiatric facility or other health facility.”

O. Reg. 750/78, s. 4 (3), *part*.

Form 3

Mental Health Act

CERTIFICATE OF INVOLUNTARY ADMISSION

See
Note 1. I,
(print name of physician)

have observed and examined.....
(print full

.....
name and status of person)

and am of the opinion both that such person is suffering from mental disorder of a nature or quality that likely will result in

See
Note 2.

.....
unless the person is retained in the custody of a psychiatric facility and that the person is not suitable for

..... as an in-
(admission or continuation)
formal patient.

I further state that the facts upon which I formed my opinion as to the nature and quality of the said person's mental disorder,

(a) that were observed by me, are as follows:

.....
.....

(b) that were communicated to me by others, are as follows:

.....
.....

I further state that the reason(s) why the person is not suitable for.....
(admission or

..... as an informal patient continuation)
is (are) as follows:

.....
.....

Signed this day of

19...
.....
(signature of physician)

NOTES: 1. Status of the person,

The person is,

(a) an informal patient;

(b) the subject of an application for assessment under section 9 of the *Mental Health Act*; or

(c) the subject of an order under section 26 of the *Mental Health Act*.

2. The following criteria are set out in subsections 14 (1) and (5) of the *Mental Health Act*:

(i) serious bodily harm to the person,

(ii) serious bodily harm to another person, or

(iii) imminent and serious physical impairment of the person.

O. Reg. 750/78, s. 4 (3), *part*.

Form 4

Mental Health Act

CERTIFICATE OF RENEWAL

I,.....
(print name of attending physician)

am the attending physician of.....
(print full

name of patient)

I have examined such patient and I am of the opinion both that the patient is suffering from mental disorder of a nature or quality that likely will result in

See
Note 1.

unless the patient remains in the custody of a psychiatric facility and that the patient is not suitable for continuation as an informal patient.

This is a certificate of
(first, second, third)
renewal.

This certificate is effective on the
day of, 19...

Dated this day of
19...

.....
(signature of attending physician)

NOTES: 1. The following criteria are set out in subsection 14 (5) of the Act:

(i) serious bodily harm to the patient,

(ii) serious bodily harm to another person, or

(iii) imminent and serious physical impairment of the patient.

2. Subsection 14 (4) of the Act is as follows:

“An involuntary patient may be detained, restrained, observed and examined in a psychiatric facility,

- (a) for not more than two weeks under a certificate of involuntary admission; and
- (b) for not more than,

(i) one additional month under a first certificate of renewal,

(ii) two additional months under a second certificate of renewal, and

(iii) three additional months under a third or subsequent certificate of renewal,

that is completed and filed with the officer in charge by the attending physician."

O. Reg. 750/78, s. 4 (3), *part.*

Form 5

Mental Health Act

CHANGE TO INFORMAL STATUS

I,
(print name of physician)

the undersigned attending physician, hereby terminate the involuntary status of.....
(print full name of patient)

.....
(print home address of patient)

who shall now be continued as an informal patient.

Signed this day of, 19...
.....
(signature of attending physician)

O. Reg. 810/78, s. 1.

Form 6

Mental Health Act

ORDER FOR ATTENDANCE FOR EXAMINATION

In the.....Court held at.....
(address)

for the County/District of.....

TO.....
(name of psychiatric facility)

WHEREAS.....
(name of person in full)

.....
(address)

Strike out is charged with
inapplicable words has been convicted of (offence)

contrary to section.....of the.....;

AND WHEREAS he/she has appeared before me and I have reason to believe that he/she suffers from mental disorder;

AND WHEREAS I have ascertained from.....
(name of senior physician, as defined in the Act)

the senior physician of.....
(name of psychiatric facility)

that the services of the said psychiatric facility are available to the above-named person;

I HEREBY ORDER that the above-named person attend, by appointment, the said psychiatric facility for examination;

AND I AUTHORIZE you, the authorities at the said psychiatric facility, to examine him/her.

.....
(Judge)

Date....., 19....

R.R.O. 1970, Reg. 576, Form 6.

Form 7

Mental Health Act

ORDER FOR ATTENDANCE FOR TREATMENT

In the.....Court held at.....
(address)

for the County/District of.....

TO.....
(name of psychiatric facility)

WHEREAS.....
(name of person in full)

.....
(address)

was on 19.... ordered to attend
.....
(name of psychiatric facility)

for examination;

AND WHEREAS.....
(name of senior physician,
....., the senior physician of the said
as defined in the Act)

psychiatric facility reports that the above-named
person needs treatment;

AND WHEREAS I have ascertained from
.....
(name of senior physician, as defined in the Act)
the senior physician of.....
(name of psychiatric facility)

that the services of such psychiatric facility are avail-
able to the above-named person;

I HEREBY ORDER that the above-named person
attend such psychiatric facility for treatment, as and
when required by the authorities thereat;

AND I AUTHORIZE you, the authorities at such
psychiatric facility, to treat him/her.
.....
(Judge)

Date....., 19....
R.R.O. 1970, Reg. 576, Form 7.

Form 8

Mental Health Act

ORDER FOR ADMISSION

In the.....Court held at.....
(address)

for the County/District of.....

TO the Peace Officers in the.....of.....

AND TO.....
(name of psychiatric facility)

WHEREAS.....
(name of person in full)
.....
(address)

is a person in custody charged with.....
(offence)

contrary to section.....of the.....;

AND WHEREAS he/she has appeared before me
and I have reason to believe that he/she suffers from
mental disorder;

AND WHEREAS I have ascertained from
.....
(name of senior physician, as defined in the Act)
the senior physician of.....
(name of psychiatric facility)

that the services of the said psychiatric facility are
available to the above-named person;

I HEREBY ORDER that the above-named person
be remanded for admission as a patient to the said
psychiatric facility for a period of not more than
.....;

AND I FURTHER ORDER and direct you, the
said Peace Officers, or any of you, to convey him/her
to the said psychiatric facility;

AND I AUTHORIZE you, the authorities at the
said psychiatric facility, to admit him/her in ac-
cordance with this order.
.....
(Judge)

Date....., 19....
R.R.O. 1970, Reg. 576, Form 8.

Form 9

Mental Health Act

ORDER FOR RETURN

TO:.....

AND TO all or any Peace Officers, Police
Officers or Constables in the Province of
Ontario.

WHEREAS.....
(print full name of patient)

See
Note. is subject to detention as.....
.....

and is absent from.....
(name of psychiatric
..... without authorization;
facility)

AND WHEREAS the absence of such
person without authorization became
known to me on....., 19...;

NOW THEREFORE I hereby direct and
authorize you, or any of you, to return

such person to the said psychiatric facility or to the psychiatric facility nearest to the place where such person is apprehended ;

AND in the course of returning such person, you are authorized to detain such person in an appropriate place.

THIS ORDER shall have force until
....., 19...

.....
Officer-in-Charge

.....
(print name of Officer-in-Charge)

.....
Psychiatric Facility

Date....., 19...

NOTE: The status of the person may be one or more of the following :

- 1. The subject of an application for psychiatric assessment.
- 2. The subject of an order by the Minister for psychiatric assessment.
- 3. An involuntary patient.
- 4. A person remanded by a judge.
- 5. A person who is the subject of a warrant of the Lieutenant Governor.

O. Reg. 750/78, s. 4 (3), *part.*

Form 10

Mental Health Act

MEMORANDUM OF TRANSFER

Upon the advice of his/her attending physician,

I,.....
(print name)

officer-in-charge of.....
(psychiatric facility)

hereby transfer.....
(print full name of patient)

..... to
(home address)

arrangements having been made with the officer-in-charge thereof.

NOTE: The following portion of this memorandum must be completed :

- ☐ A. The patient is an informal one.
- ☐ B. The patient is the subject of an application for assessment. (A copy of the document authorizing detention is attached to this memorandum).
- ☐ C. The patient is an involuntary one. (A copy of the document authorizing detention is attached to this memorandum).
- ☐ D. The patient is an involuntary one and specific treatment or a specific course of treatment is authorized by an order under section 35 of the Act.

Check ☐ E. The estate of the patient is not E, F under the management of a committee. or G

☐ F. The estate of the patient is under the management of the Public Trustee. (Where committee ship has arisen under the authority of a certificate of incompetence, attach a copy of the certificate of incompetence to this memorandum).

☐ G. The estate of the patient is under the management of

.....
(Committee appointed under the *Mental Incompetency Act*)

.....
(print name of Committee)

.....
Officer-in-Charge

Date....., 19...

O. Reg. 750/78, s. 4 (3), *part.*

Form 11

Mental Health Act

TRANSFER TO A PUBLIC HOSPITAL

Upon the advice of his/her attending physician

that.....
(name of patient in full)

.....
(home address)

requires treatment that cannot be supplied in this facility, I,....., officer-in-charge of..... (psychiatric facility) hereby transfer the said patient to..... until such time as his/her treatment therein is concluded.

NOTE: Where the patient is subject to detention, a copy of the document authorizing such detention must accompany this document.

..... Officer-in-Charge

Date....., 19....

NOTE: By virtue of the *Mental Health Act*, the superintendent of a public hospital has, in addition to the powers conferred upon him by the Act under which the hospital operates, the powers under the *Mental Health Act* of an officer-in-charge of a psychiatric facility in respect of the custody and control of the patient. R.R.O. 1970, Reg. 576, Form 11.

Form 12

Mental Health Act

WARRANT FOR TRANSFER FROM ONTARIO TO ANOTHER JURISDICTION

TO.....

Whereas it appears to me that

..... (name of patient in full)

..... (home address)

who is now a patient in..... (psychiatric facility)

has come or has been brought into Ontario from....., and

(Strike out (a) his/her hospitalization is the re-inapplicable clause) sponibility of.....; (name of jurisdiction)

or

(b) it would be in his/her best interests to be hospitalized in

..... (name of jurisdiction)

AND WHEREAS the laws respecting hospitalization in..... (name of jurisdiction)

have been complied with, with necessary modifications.

NOW THEREFORE I hereby authorize you, the said....., to transfer him/her to

..... (place of transfer)

..... Minister of Health

Date....., 19....

R.R.O. 1970, Reg. 576, Form 12.

Form 13

Mental Health Act

ORDER TO ADMIT A PERSON COMING INTO ONTARIO

To.....

WHEREAS I have reasonable cause to believe that (print full name of person)

may come or be brought into Ontario from.....

and that such person is suffering from mental disorder of a nature or quality that likely will result in

See Note 1.

I therefore order you to take the said (full name of person)

to..... (name of psychiatric facility)

..... Minister of Health

Dated the day of 19...

NOTES: 1. The following criteria are set out in section 26 of the *Mental Health Act*;

- (a) serious bodily harm to the person;
or
- (b) serious bodily harm to another person.

2. Section 26 of the *Mental Health Act* states in part:

“The order is authority to admit, detain, restrain, observe and examine the person in the psychiatric facility.”

3. Subsection 14 (3) of the *Mental Health Act* states in part:

“The officer in charge shall release a person . . . who is the subject of an order under section 26 upon the completion of 120 hours of detention in the psychiatric facility unless the attending physician has released the person, has admitted the person as an informal patient or has admitted the person as an involuntary patient by completing and filing with the officer in charge a certificate of involuntary admission.”

O. Reg. 750/78, s. 4 (3), *part*.

Form 14

Mental Health Act

CONSENT TO THE DISCLOSURE, TRANSMITTAL OR EXAMINATION OF A CLINICAL RECORD

I,
(print full name of person)

of
(address)

hereby consent to the disclosure or transmittal to or the examination by

.....
(print name)

of the clinical record compiled in
(name)

..... in respect of
of psychiatric facility)

.....
(name of patient)

See
Note 5. (witness) (signature)

Dated the day of
19...

NOTES: 1. Consent to the disclosure, transmittal or examination of a clinical record may be given by the patient or (where the patient has not attained the age of majority or is not mentally competent) by the nearest relative of the patient.

See subsection 29 (3) of the Act.

2. Patient.

Clause 29 (1) (b) of the Act states that “‘patient’ includes former patient, out-patient and former out-patient”.

3. Mentally competent.

Clause 1 (h) of the Act defines “mentally competent” as “having the ability to understand the subject-matter in respect of which consent is requested and able to appreciate the consequences of giving or withholding consent”.

4. Nearest relative.

Clause 1 (j) of the Act is as follows:

“ ‘nearest relative’ means,

- (i) the spouse who is of any age and mentally competent, or
- (ii) if none or if the spouse is not available, any one of the children who has attained the age of majority and is mentally competent, or
- (iii) if none or if none is available, either of the parents who is mentally competent or the guardian, or
- (iv) if none or if neither is available, any one of the brothers or sisters who has attained the age of majority and is mentally competent, or
- (v) if none or if none is available, any other of the next of kin who has attained the age of

majority and is mentally competent".

5. Signature.

Where the consent is signed by the nearest relative, the relationship to the patient must be set out below the signature of the nearest relative.

O. Reg. 750/78, s. 4 (3), *part.*

Form 15

Mental Health Act

STATEMENT BY ATTENDING PHYSICIAN
UNDER SUBSECTION 29 (6) OF THE ACT

I,
(print name of physician)

am of the opinion that the disclosure,
transmittal or examination of the clinical
record or the following part of the clinical

record, namely.....

.....

compiled in.....
(name of psychiatric facility)

in respect of
(print full name of patient)

is likely to result in

See
Note.

.....
(signature of physician)

Dated the day of
19...

NOTE: The following criteria are set out in
subsection 29 (6) of the Act:

- (a) ... harm to the treatment or recovery of the patient; or
- (b) ...

- (i) injury to the mental condition of a third person, or
- (ii) bodily harm to a third person.

O. Reg. 750/78, s. 4 (3), *part.*

Form 16

Mental Health Act

APPLICATION TO REGIONAL REVIEW
BOARD UNDER SECTION 31 OF
THE ACT

To: The Chairman of the Review Board

RE:
(print full name of patient)
.....
(psychiatric facility)

I,
(print full name of applicant)

hereby apply for an inquiry into whether or

not.....
(name of patient)

is suffering from mental disorder of a nature
or quality that likely will result in

See
Note.

unless such patient remains an involuntary
patient in the custody of a psychiatric
facility.

.....
(signature of applicant)

Dated the day of
19...

NOTE: The criteria set out in subsection 31
(1) of the Act are as follows:

- (a) serious bodily harm to the patient;
- (b) serious bodily harm to another person; or
- (c) imminent and serious physical impairment of the patient.

O. Reg. 750/78, s. 4 (3), *part.*

Form 17

Mental Health Act

NOTICE TO REGIONAL REVIEW BOARD

To: The Chairman of the Review Board

RE:
(print full name of patient)

.....
(print name of psychiatric facility)

A fourth certificate of renewal or a subsequent
fourth certificate of renewal respecting the above-
named patient was filed on the.....
(day)
of....., 19....
(month)

.....
(signature of officer in charge)

Dated the.....day of....., 19....
O. Reg. 981/78, s. 2.

Form 18

Mental Health Act

APPLICATION TO REGIONAL REVIEW
BOARD UNDER SECTION 43 OF THE ACT

To: The Chairman of the Review Board

RE:
(full name of patient or out-patient)

of
(home address)

I,.....
(print full name of patient or out-patient)

hereby apply for an inquiry into whether or not
I am competent to manage my estate.

.....
(signature of patient or
out-patient)

Dated the day of, 19....
O. Reg. 750/78, s. 4 (3), *part*.

Form 19

Mental Health Act

APPLICATION TO REGIONAL REVIEW
BOARD UNDER SECTION 35
OF THE ACT

To: The Chairman of the Review Board

RE:
(print full name of involuntary patient)

Application is hereby made for an order
authorizing the provision of the following
psychiatric treatment or course of psy-
chiatric treatment.....
(specify proposed
..... to
treatment or course of treatment)

.....
(name of involuntary patient)

See Consent to the proposed treatment or
Notes. course of treatment has been refused by
.....

Attached to this application are the state-
ments of the attending physician and a
psychiatrist who is a member of the
medical staff of the psychiatric facility and
a psychiatrist who is not a member of the
medical staff of the psychiatric facility.

.....
(signature of attending physician)

.....
(print name of attending physician)

.....
(signature of officer-in-charge)

.....
(print name of officer-in-charge)

Dated the day of,
19...

NOTES: 1. Consent to psychiatric treatment may be
 given by an involuntary patient or
 (where the patient has not reached the
 age of majority or is not mentally com-
 petent) by the nearest relative of the
 patient. See subsection 35 (2) of the
 Act.

 2. Mentally competent.

 Clause 1 (b) of the act defines "mentally
 competent" as "having the ability to
 understand the subject-matter in respect
 of which consent is requested and able
 to appreciate the consequences of giving
 or withholding consent".

 3. Nearest relative.

 Clause 1 (j) of the Act defines "nearest
 relative" to mean,

 "(i) the spouse who is of any age and
 mentally competent, or

- (ii) if none or if the spouse is not available, any one of the children who has attained the age of majority and is mentally competent, or
- (iii) if none or if none is available, either of the parents who is mentally competent or the guardian, or
- (iv) if none or if neither is available, any one of the brothers or sisters who has attained the age of majority and is mentally competent, or
- (v) if none or if none is available, any other of the next of kin who has attained the age of majority and is mentally competent''.

4. This application must be supported by the statement in Form 20 of the attending physician, a psychiatrist who is a member and a psychiatrist who is not a member of the medical staff of the psychiatric facility in which the patient is detained. See clause 35 (4) (b) of the Act.

O. Reg. 750/78, s. 4 (3), *part.*

Form 20

Mental Health Act

STATEMENT IN SUPPORT OF APPLICATION
UNDER SECTION 35 OF THE ACT

RE:
(print full name of involuntary patient)

I,
(print name)

of
(address)

state that:

- 1. I examined the above-named involuntary patient on the day of 19...
- 2. I am of the opinion that the mental condition of the above-named involuntary patient will be or is likely to be substantially improved by the following psychiatric treatment or course of psychiatric treatment

.....
(specify proposed treatment or course

.....
of treatment)

3. I am of the opinion that the mental condition of the above-named involuntary patient will not or is not likely to improve without the proposed psychiatric treatment or course of psychiatric treatment.

.....
(signature)

Dated the day of,

19...

NOTE: An application under section 35 of the Act must be supported by the statements of the attending physician and a psychiatrist who is a member and a psychiatrist who is not a member of the medical staff of the psychiatric facility in which the patient is detained. See clause 35 (4) (b) of the Act.

O. Reg. 750/78, s. 4 (3), *part.*

Form 21

Mental Health Act

CERTIFICATE OF INCOMPETENCE

RE:
(print full name of patient or out-patient)

of
(home address)

I,
(print name of physician)

of
(name of psychiatric facility)

state that:

- 1. I examined the above-named
☐ patient; or
☐ out-patient
on the day of 19...
- 2. I observed the following facts indicating incompetence:
.....
.....

See
Note.

3. The following facts, if any, indicating incompetence were communicated to me by others:

.....

4. I certify that the above-named

☐ patient; or

☐ out-patient

is incompetent to manage his estate.

.....
 (signature of physician)

Dated the day of, 19...

O. Reg. 750/78, s. 4 (3), *part.*

Form 22

Mental Health Act

FINANCIAL STATEMENT

1. This form to be completed by a responsible person having knowledge of the assets of the patient and forwarded forthwith by the officer-in-charge to the Public Trustee under the provisions of section 39 of the *Mental Health Act*.

2. Under the provisions of the *Mental Health Act* where the Public Trustee has become Committee of the estate of a patient he is the only person having the legal authority to deal with the patient's estate. The Public Trustee endeavours to protect the interests of the patient's estate and to provide for the patient's dependants. Upon the Public Trustee ceasing to be Committee, the patient's assets will be returned to him.

1. Name of patient in full:
2. Sex:
3. Psychiatric facility:
4. Residence:
 (Street and number or lot and concession):
 (Municipality):
 (County, etc. or district):
5. Length of residence in this municipality:
6. Date of birth:

7. Place of birth:

8. Citizenship:

9. Occupation:

10. Marital status:

11. If married, give the name and address of husband or wife:

12. If single, give the name and address of parent or responsible relative:

13. Give the names and ages of any dependants whom the patient has to support:

14. Give patient's:

1. Social Insurance Number:

2. Ontario Health Insurance Plan Number:

3. If other medical insurance plan, state name of company and contract number:

4. Old Age Security Number:

15. Name and address of employer:

REAL ESTATE

16. Property of patient, and mortgages or charges on same, if any:

1. Number of lot, concession, township and county, etc.:

2. Number of acres:

3. Leasehold or freehold:

4. Name and address of mortgagee, if any:

5. Market value of property:

17. If property of the patient has been rented, give the following information:

1. Name of tenant:

2. Particulars of tenancy, such as length and terms of lease:

3. Is the lease in writing?

4. If so, in whose possession is the document?

5. Give the address of such person:

6. To whom has the rent been paid?

7. To what date has the rent been paid?

18. LIFE, ACCIDENT, DISABILITY AND INCOME PROTECTION INSURANCE

Name of the Company or Society	Number of Policy or Certificate	Amount of Insurance	In whose possession is the Policy?	Is this group insurance? State yes or no
.....
.....
.....

19. PENSION OR SUPERANNUATION

If patient receives pension or superannuation, etc., give particulars:

PERSONAL ESTATE

20. CASH ON HAND, IN BANK ACCOUNTS AND SAFETY DEPOSITS

- 1. Give name and address of person who is in possession of the cash:
- 2. What is the amount?
- 3. If deposited in a bank, give the name and address of the branch:
- 4. In whose possession is the bank book?
- 5. State the amount in the bank account:
- 6. If joint account, give name and address of joint owner:
- 7. If patient has a safety deposit box, give the location, and name and address of person in possession of the keys:

21. STOCKS, BONDS AND SIMILAR INVESTMENTS

Name of Security	Par Value	In whose possession
.....
.....
.....
.....
.....
.....
.....
.....

22. PERSONAL PROPERTY
(Give approximate values)

- 1. Farm Implements:
- 2. Stock in trade:
- 3. Live stock:
- 4. Farm produce:
- 5. Motor vehicles:
- 6. Other property or income (if any):

23. MONEYS SECURED BY MORTGAGE

- 1. Give the name and address of mortgagors who have borrowed money from the patient, setting out in detail separately each mortgage.
- 2. State in whose possession the mortgages are, and the address of such person:

24. BOOK DEBTS AND PROMISSORY NOTES OWING TO PATIENT

- 1. Give the names and addresses of debtors:
- 2. State in whose possession the notes are, and the address of such person:

25. LIABILITIES, IF ANY, OTHER THAN MORTGAGE DEBTS

26. Does the patient have a will ☐ Yes ☐ No

If so, state in whose possession it is, and the address of such person:

.....
(signature of responsible relative or friend)

.....
(address)

.....
(relationship to patient)

Date....., 19....

The officer-in-charge of the psychiatric facility shall retain one copy of this form and forward one copy to the Public Trustee, whether or not the patient has any estate.

R.R.O. 1970, Reg. 576, Form 16; O. Reg. 750/78, s. 4 (2); O. Reg. 810/78, s. 2.

Form 23

Mental Health Act

NOTICE OF CANCELLATION OF
CERTIFICATE OF INCOMPETENCE

RE:
(print full name of patient or out-patient)

of
(home address)

I,
(print name of physician)

of
(name of psychiatric facility)

state that:

1. I examined the above-named

☐ patient; or

☐ out-patient

on the day of, 19...

2. I hereby cancel the certificate of incompetence
issued in respect of the above-named patient

or out-patient by on the

..... day of, 19...

.....
(signature of physician)

Dated the day of, 19...

O. Reg. 750/78, s. 4 (3), *part.*

Form 24

Mental Health Act

NOTICE OF CONTINUANCE

RE:
(print full name of patient or out-patient)

of
(home address)

I,
(print name of physician)

of
(name of psychiatric facility)

state that:

1. I examined the above-named

☐ patient; or

☐ out-patient

See Note. on the day of,
19...

2. I observed the following facts indi-
cating incompetence:

.....

.....

3. The following facts, if any, indicating
incompetence were communicated to
me by others:

.....

.....

4. I am of the opinion that the above-
named

☐ patient; or

☐ out-patient

will not, upon discharge, be com-
petent to manage his estate.

.....
(signature of physician)

Dated the day of,

19...

NOTE: The patient or out-patient must be ex-
amined within twenty-one days before he
is discharged from the psychiatric facility.
See subsection 41 (1) of the Act.

O. Reg. 750/78, s. 4 (3), *part.*

REGULATION 610

under the Mental Health Act

GRANTS

1. Where provincial aid is paid under the Act, it shall be paid in accordance with this Regulation. R.R.O. 1970, Reg. 577, s. 1.

PART I

OPERATING GRANT ASSISTANCE

2.—(1) Subject to subsection (3), provincial aid in the form of operating grant assistance to a psychiatric facility shall not exceed an amount equivalent to the reasonable cost as determined by the Minister of providing,

- (a) general maintenance, including light, heat and power;
- (b) administration;
- (c) depreciation on furniture, equipment and apparatus;
- (d) patient care including salaries, supplies and equipment, including the expense of,
 - (i) the office of the officer-in-charge,
 - (ii) radiology and laboratory examinations,
 - (iii) patient records,
 - (iv) dietary services,
 - (v) housekeeping, and
 - (vi) the laundry;
- (e) depreciation on buildings owned by the psychiatric facility or depreciation on leasehold improvements to buildings leased by the psychiatric facility other than those buildings or improvements for which capital grant assistance has been paid by the Minister under Part II;
- (f) interest due or payable on debts incurred by a psychiatric facility other than long term debts on all or part of the actual cost of a building project for which capital grant assistance has been paid by the Minister under Part II; and
- (g) rental payments made by a psychiatric facility for the use of real property.

(2) Subject to subsection (3) and notwithstanding subsection (1), a psychiatric facility may be paid provincial aid in addition to the provincial aid paid under subsection (1), not to exceed an amount equivalent to a reasonable allowance as determined by the Minister representing a return on funds expended by the psychiatric facility to acquire assets other than funds expended to finance all or part of the actual cost of a building project for which capital grant assistance has been paid by the Minister under Part II.

(3) There shall be deducted from the provincial aid payable to a psychiatric facility under subsections (1) and (2) the following revenue received by the psychiatric facility,

- (a) 75 per cent of all monies received from charitable and benevolent organizations and individual endorsements and bequests for purposes ordinarily a part of the routine operations of the psychiatric facility; and
- (b) all other monies received by the psychiatric facility from any source other than operating grant assistance received under subsection (1). O. Reg. 790/73, s. 1, *part.*

3.—(1) Every psychiatric facility shall annually prepare and submit to the Minister a budget estimate of the costs and revenue referred to in section 2 including particulars of the services it proposes to offer and the estimated costs thereof.

(2) A psychiatric facility may submit an amendment to the budget estimate supplied to the Minister under subsection (1). O. Reg. 790/73, s. 1, *part.*

4.—(1) Operating grant assistance paid under section 2 may be paid in monthly installments in advance, subject to final adjustments upon the receipt of annual financial statements audited by a licensed public accountant for the period during which advance payments have been made.

(2) The annual financial statements referred to in subsection (1) shall be supplied by a psychiatric facility within a reasonable time of a written request by the Minister being received by the psychiatric facility and the financial statements shall include particulars of the revenue referred to in subsection 2 (3). O. Reg. 790/73, s. 1, *part.*

5. Operating grant assistance may be paid under section 2 in respect of non-residential treatment and urban re-entry programs. O. Reg. 144/76, s. 1, *part.*

PART II

CAPITAL GRANT ASSISTANCE

6. In this Part,

(a) "approved cost" means that portion of the actual cost of a building project of a psychiatric facility approved by the Minister, and includes,

- (i) fees that are approved by the Minister and paid to an architect for his services and the services of his consulting engineers,
- (ii) fees that are approved by the Minister for consultants, other than those paid through the architect,
- (iii) necessary equipment and furnishings and the installation thereof,
- (iv) land surveys and soil tests, and
- (v) necessary paving and sodding,

but does not include,

- (vi) initial supplies,
 - (vii) financing charges,
 - (viii) working capital and pre-opening expenses,
 - (ix) contingency allowances,
 - (x) landscaping, gardens, works of art, murals, busts, statues and similar decorations, or
 - (xi) facilities for ancillary revenue-producing operations;
- (b) "balance of the cost" means the remainder after deducting the amount of the grant from the actual cost of the building project;
- (c) "building project" means,
- (i) the acquisition of existing buildings and alterations or additions thereto,
 - (ii) the construction of a new building or buildings excluding demolition of existing buildings and other clearance of site, and
 - (iii) the renovation or alteration of existing buildings. R.R.O. 1970, Reg. 577, s. 6.

7. The amount of capital grant assistance that may be paid by the Minister shall be two-thirds of the

approved cost of the building project. R.R.O. 1970, Reg. 577, s. 7.

8. Notwithstanding section 7, the amount of capital grant assistance that may be paid by the Minister shall be the full approved cost of the building project where such project is undertaken solely to provide services for children in the following psychiatric facilities:

- | | |
|---------------------|--|
| 1. Dryden | Patricia Centre for Children and Youth |
| 2. Hamilton | Chedoke Child and Family Care Centre |
| 3. Ottawa | Royal Ottawa Hospital Regional Children's Centre |
| 4. Sault Ste. Marie | Children's Mental Health Algoma |
| 5. Sudbury | Sudbury Algoma Sanatorium Association Regional Children's Centre |
| 6. Windsor | Community Psychiatric Hospital |

R.R.O. 1970, Reg. 577, s. 8; O. Reg. 362/71, s. 1; O. Reg. 773/73, s. 1; O. Reg. 73/79, s. 1; O. Reg. 406/80, s. 1; O. Reg. 786/80, s. 1.

9.—(1) An application for capital grant assistance shall be made to the Minister and shall set out such information as the Minister may require.

(2) An application for capital grant assistance shall be accompanied by a preliminary sketch plan in triplicate showing any existing buildings acquired or proposed to be acquired for the purpose of the building project and the alterations necessary thereto or showing the new construction, additions, or alterations, as the case may be.

(3) No tenders shall be called for any proposed new construction, additions or alterations until the Minister is satisfied and so advises in writing that the total funds required for the completion of the building project, including capital grant assistance, will be available. R.R.O. 1970, Reg. 577, s. 9.

10. No capital grant assistance shall be paid unless,

- (a) the building project has been approved by the Minister;
- (b) the applicant undertakes that it will not, without the consent of the Minister,
 - (i) sell, mortgage or otherwise dispose of the psychiatric facility or any part thereof,

- (ii) use the psychiatric facility for any other purpose than that for which the grant is made, or
 - (iii) make any alterations or additions to any building forming part of the psychiatric facility; and
- (c) in the case of a non-profit organization, the non-profit organization undertakes to pay the balance of the cost of the project.
R.R.O. 1970, Reg. 577, s. 10.

11.—(1) Capital grant assistance shall be paid as follows:

1. One-fifth when the contract for the building project is signed.
2. One-tenth when one-eighth of the work is completed.
3. One-tenth when one-quarter of the work is completed.
4. One-tenth when three-eighths of the work is completed.
5. One-tenth when one-half of the work is completed.
6. One-tenth when five-eighths of the work is completed.
7. One-tenth when three-quarters of the work is completed.
8. One-tenth when seven-eighths of the work is completed.
9. The balance when the work is completed to the satisfaction of the Minister.

(2) No payment shall be made under subsection (1) unless a member of the Ontario Association of Architects certifies or the Minister is otherwise satisfied that the proper proportion of the work has been completed. R.R.O. 1970, Reg. 577, s. 11.

REGULATION 611

under the Mental Hospitals Act

GENERAL

1. The following are designated institutions to which the Act applies:

LOCATION	NAME
1. Brockville	Brockville Psychiatric Hospital (except St. Lawrence Regional Centre)
2. Hamilton	Hamilton Psychiatric Hospital
3. Kingston	Kingston Psychiatric Hospital (except L. S. Penrose Centre)
4. London	London Psychiatric Hospital
5. New Toronto	Lakeshore Psychiatric Hospital
6. North Bay	North Bay Psychiatric Hospital (except Nipissing Regional Centre)
7. Penetanguishene	Mental Health Centre, Penetanguishene
8. St. Thomas	St. Thomas Psychiatric Hospital (except St. Thomas Adult Rehabilitation & Training Centre)
9. Thunder Bay	Lakehead Psychiatric Hospital (except Northwestern Regional Centre)
10. Toronto	Queen Street Mental Health Centre
11. Whitby	Whitby Psychiatric Hospital (except Durham Centre for the Developmentally Handicapped)

R.R.O. 1970, Reg. 578, s. 1; O. Reg. 131/71, s. 1; O. Reg. 548/73, s. 1; O. Reg. 473/75, s. 1; O. Reg. 282/76, s. 1; O. Reg. 329/78, s. 1.

2. In awarding admission to patients the officer-in-charge of any institution is not required to consider the applications for admission in the order in which they are received, and he may grant priority to those cases that are, in his opinion, in most urgent need of care and attention in an institution. R.R.O. 1970, Reg. 578, s. 2.

MAINTENANCE

3.—(1) The rate for which a patient, his estate or the person liable for his maintenance is liable in the general wards of any institution is the per diem rate of such institution and, where the patient's condition requires special care and treatment, such further charges may be made as the officer-in-charge determines.

(2) The rate does not include clothing and the cost of clothing is an additional charge upon the patient, his estate or the person liable for his maintenance. R.R.O. 1970, Reg. 578, s. 4.

4. In any institution having private or semi-private wards, the rate for which a patient, his estate or the person liable for his maintenance is liable shall be determined in each case by the officer-in-charge, and the rate shall be based on the accommodation, care and treatment provided for the patient. R.R.O. 1970, Reg. 578, s. 5.

5. Where the maintenance of a patient occupying a private or semi-private ward is one-quarter in arrears and remains unpaid, the officer-in-charge may transfer the patient to a general ward and shall notify the surety or the person liable for the maintenance of his action and of the amount due and owing. R.R.O. 1970, Reg. 578, s. 6.

6.—(1) Where there is an amount due and owing for the maintenance of,

- (a) a former patient who has been discharged or has died in a hospital; or
- (b) a patient for whose maintenance a person is liable under section 19 of the Act and that person has died,

such amount, except as otherwise provided, shall be limited as provided in subsection (2). R.R.O. 1970, Reg. 578, s. 7 (1); *revised*.

(2) Subject to subsection (3), the amount payable in full satisfaction of the amount due and owing for maintenance mentioned in subsection (1) is limited to that accruing in the period of ten years immediately preceding the date of death or the date of discharge, as the case may be.

(3) Where the amount paid during the ten year period mentioned in subsection (2) exceeds the amount accruing during that period, the excess shall be applied upon any amount accruing prior to that period. R.R.O. 1970, Reg. 578, s. 7 (2, 3).

7.—(1) In this section,

- (a) "debtor" means a person who is liable for maintenance under the Act;
- (b) "dependant" means,
 - (i) a child under twenty-one years of age who is not in receipt of a taxable

income or a child who is over twenty-one years of age but dependent because of disability and who is not in receipt of a taxable income, or

- (ii) a widow or widower who is not in receipt of a taxable income;
- (c) "net value" means the value of the property of a deceased debtor passing on his death after deducting,
 - (i) funeral and interment expenses,
 - (ii) testamentary expenses including surrogate, probate and other like court fees paid by the estate in respect of the death of the deceased, and
 - (iii) the legal debts of the deceased other than the amount that is due and owing for maintenance;
- (d) "taxable income" means taxable income as determined under the *Income Tax Act* (Canada).

(2) The Deputy Minister may give a discharge for the amount due and owing for maintenance where the amount computed as prescribed by section 6 has been paid.

(3) Where the debtor dies leaving a dependant or dependants, and the net value of the estate after deducting \$5,000 therefrom is less than the amount that is due and owing for maintenance, the amount that is owing for maintenance shall be deemed to be fully paid and satisfied upon payment of the balance of the net estate after deducting \$5,000 therefrom and the Deputy Minister may give a discharge in full.

(4) Where the debtor dies leaving no dependant and the amount that is due and owing for the maintenance exceeds the value of the estate, the Deputy Minister may give a discharge for the amount that is due and owing upon payment of the balance of the estate after deducting,

- (a) funeral and interment expenses; and
- (b) testamentary expenses including surrogate, probate and other like court fees paid by the estate in respect of the death of the deceased.

(5) Before giving a discharge under this section, the Deputy Minister or an officer of the Ministry designated by him may require the applicant for the discharge to submit an affidavit of the debts of the deceased debtor and such other information as is necessary for the purposes of this section. R.R.O. 1970, Reg. 578, s. 8; *revised*.

8. When a patient has been discharged from an institution and admission is again applied for on behalf of the patient, the officer-in-charge shall, where possible, obtain renewal of the bond for maintenance or a new bond. R.R.O. 1970, Reg. 578, s. 9.

9. Except as provided by sections 6 and 7, nothing in this Regulation shall be construed to relieve any person or persons or property from liability for the maintenance of any patient, and the execution of any bond or agreement for the payment of maintenance shall not have any such effect or in any way interfere with or prevent any other remedies for the recovery of moneys owing for the maintenance of a patient at the full rate of maintenance. R.R.O. 1970, Reg. 578, s. 10.

APPROVED HOMES

10.—(1) The Ministry may pay for the care and maintenance of each patient in an approved home, where the care and maintenance was provided during the period set out in Column 1 of Table 1, the amount set out opposite thereto in Column 2 of Table 1, for each full month that the care and maintenance was received by the patient.

(2) The Ministry may pay for the care and maintenance of each patient in an approved home, where the care and maintenance was provided during the period set out in Column 1 of Table 1 and where the care and maintenance was provided for less than a month or for a day or number of days in excess of a full month, the amount set out opposite thereto in Column 3 of Table 1, for each day that the care and maintenance was received by the patient. O. Reg. 348/80, s. 1.

11. Where a patient is in an approved home, the patient, his estate or the person liable for his maintenance is liable for the amount mentioned in section 11 and the cost of his clothing. R.R.O. 1970, Reg. 578, s. 12.

12. In sections 10 and 11, "patient" includes a former patient. R.R.O. 1970, Reg. 578, s. 13.

13. In sections 14 to 22, "employee" means a full-time or part-time employee of an institution other than an employee of an approved home connected with the institution. R.R.O. 1970, Reg. 578, s. 14.

14.—(1) Every employee shall receive an intra-dermal tuberculin test and x-ray film of the lungs within one week after the commencement of his employment unless the employee presents the institution with satisfactory proof of the taking of such tests within three months preceding the commencement of his employment.

(2) Every employee who has a negative tuberculin reaction shall receive an additional tuberculin test within six months of the date of the first test and shall receive successive tests within six months of the date of each test where the result of the test is negative.

(3) Every employee who has a positive tuberculin reaction on his first test shall receive an x-ray film of the lungs forthwith and every twelve months thereafter.

(4) Subject to section 15, where an employee has a negative reaction to his first tuberculin test and a positive reaction to any subsequent test, he shall receive an x-ray film of the lungs forthwith after such test and every three months for the next year, an additional x-ray film in six months thereafter and an additional x-ray film every twelve months thereafter.

(5) Every employee whose x-ray film shows evidence of abnormal shadowing shall forthwith receive further examination to determine the nature of the disease.

(6) No tests other than the intra-dermal (Mantoux) test, using one-twentieth of a milligram of Old Tuberculin, shall be used for the tests required by this section. R.R.O. 1970, Reg. 578, s. 15.

15. Where an employee is found to have developed a positive tuberculin reaction because of the administration of Bacillus Calmette-Guerin Vaccine, the employee shall receive an x-ray film of the lungs forthwith after developing the positive reaction and every twelve months thereafter, as long as the tuberculin sensitivity remains. R.R.O. 1970, Reg. 578, s. 16.

16. Notwithstanding subsection 14 (6), where an employee produces a certificate by a legally qualified medical practitioner stating that the intra-dermal (Mantoux) test causes an unusually severe reaction in the employee, the intra-dermal test shall not be performed on that employee, but he shall receive an x-ray film of the lungs within one week after the commencement of his employment and every twelve months thereafter. R.R.O. 1970, Reg. 578, s. 17.

17. No employee found to be suffering from active tuberculosis shall be permitted to work in the institution and the officer-in-charge shall report the case within twenty-four hours to the medical officer of health of the municipality in which the employee resides and to the medical officer of health in the municipality in which he is employed. R.R.O. 1970, Reg. 578, s. 18.

18.—(1) Where an employee shows evidence of tuberculosis, the officer-in-charge shall give to the Workmen's Compensation Board and to the Ministry written notice thereof, including a complete report of the medical findings within seven days of the time of diagnosis.

(2) Every officer-in-charge shall keep a permanent record of all examinations and tests of every employee of the institution and, if requested, shall send a copy of any record, including the x-ray films, to the Workmen's Compensation Board or to the Ministry.

(3) The permanent record of all examinations and tests referred to in subsection (2) shall be kept by the officer-in-charge for three years after the employee ceases to be employed in the institution.

(4) Any officer of the Workmen's Compensation Board who is authorized by its chairman may inspect the medical records of an employee at any time. R.R.O. 1970, Reg. 578, s. 19.

19. The institution is responsible for all examinations for tuberculosis of an employee and none of the expenses thereby incurred are payable by the employee. R.R.O. 1970, Reg. 578, s. 20.

20. No employee shall be detailed to care for a patient believed or suspected to be suffering from tuberculosis until the employee has received instructions as to the necessary technique to protect himself and others against infection and, where possible, the employee so detailed shall be a positive reactor to the tuberculin test. R.R.O. 1970, Reg. 578, s. 21.

21. Upon ceasing to be employed, every employee who has been employed for four or more months shall receive an x-ray film of the lungs and a non-reactor shall also receive a tuberculin test. R.R.O. 1970, Reg. 578, s. 22.

22. Nothing contained in sections 13 to 21, shall prevent any person from being employed in an institution when his tuberculosis is inactive. R.R.O. 1970, Reg. 578, s. 23.

23. Where a medical practitioner believes or suspects that a person admitted to an institution is suffering from tuberculosis, he shall notify the officer-in-charge forthwith. R.R.O. 1970, Reg. 578, s. 24.

FORMS

24.—(1) A certificate of the Minister under section 12 of the Act shall be in Form 1.

(2) A revocation of a certificate in Form 1 shall be in Form 2. R.R.O. 1970, Reg. 578, s. 25.

Form 1

Mental Hospitals Act

CERTIFICATE FOR APPROVED HOME

I, the Minister of Health for the Province of Ontario, do hereby certify that the premises located at..... in the..... of..... in the County (or as the case may be) of..... may be used by..... as an approved home

for patients of the.....
(name of institution)
unless and until this certificate is revoked in
writing under my hand.

.....
Minister of Health

Date....., 19....

R.R.O. 1970, Reg. 578, Form 1.

Form 2

Mental Hospitals Act

**REVOCATION OF CERTIFICATE FOR
APPROVED HOME**

Whereas a certificate has been issued under the
hand of the Minister of Health for the Province of

Ontario on the.....day of.....,
19...., to the effect that the premises located at
.....in the.....
of.....in the County (or as the case
may be) of.....may be used by.....
as an approved home for patients of the.....
(name
.....
of institution)

I do hereby revoke the said certificate.

.....
Minister of Health

Date....., 19....

R.R.O. 1970, Reg. 578, Form 2.

TABLE 1

COLUMN 1	COLUMN 2	COLUMN 3
Effective Period	Monthly Payment	Daily Payment
1. On and after the 1st day of April, 1980	\$395.71	\$13.01

O. Reg. 348/80, s. 2.

REGULATION 612

under the Milk Act

BY-LAWS FOR MARKETING BOARDS

1. The head office of a marketing board shall be in such place in Ontario as the local board from time to time determines. R.R.O. 1970, Reg. 580, s. 1.

2. The fiscal year of a marketing board shall end on a date to be fixed by the marketing board and the date so fixed shall be filed with the Commission. O. Reg. 1131/80, s. 1.

3. The first meeting of a marketing board shall be held not later than ten days after the election of the members thereof. R.R.O. 1970, Reg. 580, s. 3.

OFFICERS

4.—(1) At its first meeting after its appointment or election, as the case may be, a marketing board shall elect from its members a chairman and a vice-chairman.

(2) When the chairman and vice-chairman are absent from a meeting, the marketing board may elect a chairman from the members present at the meeting. R.R.O. 1970, Reg. 580, s. 4.

5. A majority of the members of a marketing board constitute a quorum for the transaction of business. R.R.O. 1970, Reg. 580, s. 5.

6.—(1) A marketing board shall appoint a secretary and treasurer.

(2) The same person may be appointed secretary and treasurer.

(3) No secretary or treasurer shall be a member of the marketing board. R.R.O. 1970, Reg. 580, s. 6.

7. The secretary of a marketing board shall,

(a) attend all meetings of the marketing board and keep true minutes thereof;

(b) conduct the correspondence of the marketing board; and

(c) keep a record of,

(i) all business transactions of the marketing board,

(ii) all orders, directions or determinations of the marketing board,

(iii) all reports of committees that are from time to time appointed by the marketing board, and

(iv) all annual statements and financial and auditor's reports. R.R.O. 1970, Reg. 580, s. 7.

8. The treasurer of a marketing board shall,

(a) receive all moneys paid to the marketing board and forthwith deposit them to the credit of the marketing board in a chartered bank, or in a branch of the Province of Ontario Savings Office, as the marketing board by resolution directs;

(b) keep the securities of the marketing board in safe custody;

(c) keep or cause to be kept proper books of account and make or cause to be made therein entries of all receipts and expenditures of the marketing board;

(d) prepare the annual financial statement of the marketing board; and

(e) prepare reports showing the financial position of the marketing board, as the marketing board from time to time directs. R.R.O. 1970, Reg. 580, s. 8.

MEETINGS OF MARKETING BOARD

9.—(1) Meetings of a marketing board shall be called by the chairman or by two members, by giving notice thereof to each member and to the secretary and treasurer of the marketing board.

(2) Unless it is otherwise indicated in the notice calling the meeting, the meetings of the marketing board shall be held at the head office.

(3) Notice of a meeting shall,

(a) include the date and time of the meeting of the marketing board;

(b) be given in writing, by prepaid mail or telegraph, or orally; and

(c) be given in such a manner as to ensure that each member has sufficient time to receive the notice and to attend the meeting. R.R.O. 1970, Reg. 580, s. 9.

10.—(1) The order of business at a meeting of a marketing board shall be,

- (a) roll call;
- (b) reading and approving of minutes of last meeting;
- (c) business arising out of minutes;
- (d) report of treasurer;
- (e) dealing with correspondence;
- (f) unfinished business; and
- (g) new business.

(2) The order of business may be varied by a majority vote of the members present at a meeting. R.R.O. 1970, Reg. 580, s. 10.

11. All questions arising at any meeting of a marketing board shall be decided by the majority of the votes of the members present, and in the event of a tie vote the chairman of the meeting has a second or casting vote. R.R.O. 1970, Reg. 580, s. 11.

TRANSACTION OF BUSINESS OTHER THAN AT A MEETING

12.—(1) A marketing board may transact a matter of business other than at a meeting called and conducted in accordance with sections 9, 10 and 11, upon the conditions that,

- (a) the chairman of the marketing board is of the opinion that the matter of business should be decided sooner than a meeting may be called;
- (b) the chairman submits the matter to be decided to the secretary of the marketing board;
- (c) the chairman or the secretary submits the matter for decision to the members of the marketing board by prepaid mail or telegraph or orally; and
- (d) the secretary makes a record in the minute book of the marketing board of the matter to be decided and the decision of each member.

(2) Where the conditions under subsection (1) have been complied with and the record shows a majority of members in favour of or against the matter of business, it shall be decided accordingly.

(3) Where the secretary of a marketing board makes a record in the minute book under subsection (1), the record shall be read and confirmed at the next meeting of the marketing board. R.R.O. 1970, Reg. 580, s. 12.

13. Minutes of each meeting of a board shall be signed by the chairman of the meeting and the secretary. R.R.O. 1970, Reg. 580, s. 13.

14.—(1) No expenditure shall be made unless authorized by the marketing board in accordance with the powers conferred upon the marketing board by the Act, the marketing plan and the regulations.

(2) All expenditures shall be paid by cheque. R.R.O. 1970, Reg. 580, s. 14 (1, 2).

15.—(1) The treasurer of each marketing board shall be covered by a bond of a guarantee company approved under the *Guarantee Companies Securities Act* in an amount or amounts satisfactory to the marketing board.

(2) The marketing board shall pay the cost of the bond. R.R.O. 1970, Reg. 580, s. 15.

16.—(1) A marketing board shall cause its accounts to be audited annually by one or more auditors within three months after the end of the fiscal year of the marketing board.

(2) The auditor shall make a report to the marketing board on the accounts examined by him and on every balance sheet laid before the marketing board at a general meeting and in the report shall state whether, in his opinion, the balance sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of the marketing board's affairs as shown by its books and the treasurer's financial statement.

(3) The secretary of the marketing board shall file the report of the auditor. R.R.O. 1970, Reg. 580, s. 16.

17. Within six months after the end of each fiscal year of a marketing board, the secretary of the marketing board shall forward to the producers or growers entitled to vote under the marketing plan a copy of the annual statement and auditor's report and a general report of the marketing board's operations for the fiscal year last ended. R.R.O. 1970, Reg. 580, s. 17.

18.—(1) Each marketing board shall have a corporate seal.

(2) The seal shall be in the form of two concentric circles with the name of the marketing board inserted in the space between the two circles.

(3) Where the seal is used, it shall be attested by the chairman or vice-chairman and the secretary.

(4) The secretary shall have custody of the seal. R.R.O. 1970, Reg. 580, s. 18.

19. No marketing board shall dispose of,

- (a) any real property; or
- (b) any asset of a value in excess of \$100,000,

without the approval of the Commission. O. Reg. 1131/80, s. 3.

REGULATION 613

under the Milk Act

CHEESE EXCHANGES

INTERPRETATION

1. In this Regulation,

- (a) "buyer" means a person who is the holder of a licence in Form 2 of Regulation 615 of Revised Regulations of Ontario, 1980;
- (b) "cheese" means cheddar cheese produced in Ontario;
- (c) "cheese exchange" means the Belleville Cheese Exchange and the Stratford Cheese Exchange operated by the marketing board;
- (d) "marketing board" means The Ontario Milk Marketing Board;
- (e) "producer" means a manufacturer of cheese. O. Reg. 93/76, s. 1.

APPLICATION OF REGULATION

2. This Regulation provides for the control and regulation in any or all respects of the marketing within Ontario of cheese, including the prohibition of such marketing in whole or in part. O. Reg. 93/76, s. 2.

CHEESE EXCHANGES

3.—(1) Each cheese exchange shall be open for the sale of cheese on such dates and at such times as the marketing board determines.

(2) Every buyer shall have a seat on a cheese exchange. O. Reg. 93/76, s. 3.

BELLEVILLE CHEESE EXCHANGE

4.—(1) The marketing board shall, before any lot of cheese is offered for sale at the Belleville Cheese Exchange, provide each buyer with a catalogue describing the lots of cheese that are to be offered for sale at the cheese exchange and the location of each lot of cheese.

(2) The marketing board shall mail or deliver the catalogue mentioned in subsection (1) to each buyer before the cheese exchange opens for the sale of cheese. O. Reg. 93/76, s. 4.

5.—(1) At the Belleville Cheese Exchange cheese shall be offered for sale and sold by auction by the use of a Dutch Auction Clock operated by an employee of the marketing board.

(2) Cheese shall be offered for sale by lot as described in the catalogue.

(3) No buyer shall offer to buy less than all the cheese included in a lot of cheese as described in the catalogue.

(4) Subject to subsection (5), each lot of cheese shall be offered and re-offered at auction until the bidding ends and the buyer who bids the highest price for the lot of cheese shall be the buyer thereof.

(5) The producer of a lot of cheese may direct that the lot of cheese shall be offered for sale subject to a reserve bid.

(6) A buyer shall bid on the 93 or 94 score cheese in a lot and, where the lot is sold to the bidder, the price of the 93 and 94 score cheese shall be calculated on the basis of the bid, and the 92 score cheese in the lot on the basis of one-half cent per pound below the 93 and 94 score price.

(7) In case of a dispute with respect to the auction, the decision of the operator of the Dutch Auction Clock shall be final and binding on the parties to the dispute. O. Reg. 93/76, s. 5.

STRATFORD CHEESE EXCHANGE

6.—(1) A producer who offers cheese for sale on the Stratford Cheese Exchange shall,

(a) complete in a form provided by the marketing board a statement describing the lots of cheese that are to be offered for sale at the cheese exchange; and

(b) mail such statement by prepaid first class mail to the Stratford Cheese Exchange in time to arrive not later than the day before the day of the auction.

(2) At the Stratford Cheese Exchange cheese shall be offered for sale and sold by a verbal auction method and the auctioneer shall be an employee of the marketing board.

(3) Cheese shall be offered for sale by lot as described in the statement mentioned in subsection (1).

(4) No buyer shall offer to buy less than all the cheese included in a lot of cheese as described in the statement mentioned in subsection (1).

(5) Subject to subsection (6), each lot of cheese shall be offered at auction until the bidding ends and the buyer who bids the highest price for the lot of cheese shall be the buyer thereof.

(6) The producer of a lot of cheese may direct that the lot of cheese shall be offered for sale subject to a reserve bid.

(7) The buyer shall bid on the 93 or 94 score cheese in a lot and, where the lot is sold to the bidder, the price of the 93 and 94 score cheese shall be calculated on the basis of the bid, and the 92 score cheese in the lot on the basis of one-half cent per pound below the 93 and 94 score price.

(8) In case of a dispute with respect to the auction, the decision of the auctioneer shall be final and binding on the parties to the dispute. O. Reg. 93/76, s. 6.

PAYMENT

7.—(1) A buyer who buys cheese on the Belleville Cheese Exchange shall pay the marketing board in full for the cheese within five working days of the date of purchase.

(2) A buyer who buys cheese on the Stratford Cheese Exchange shall pay the marketing board in full for the cheese within five working days of receipt of the cheese.

(3) Within five days of receipt of a payment for cheese from a buyer, the marketing board shall pay the amount received, less the amount of any levies or charges authorized under the *Commodity Boards and Marketing Agencies Act* or the *Agricultural Products Marketing Act* (Canada), to the producers of the cheese. O. Reg. 93/76, s. 7.

TERMS OF SALE

8.—(1) Cheese bought by a buyer on the Belleville Cheese Exchange shall be bought f.o.b. the warehouse in which the cheese is located at the time of the sale.

(2) Cheese bought by a buyer on the Stratford Cheese Exchange shall be bought f.o.b. the cheese factory in which the cheese is located at the time of the sale.

(3) A buyer on the Belleville Cheese Exchange shall, before he leaves the cheese exchange on the day he buys the cheese, complete and deliver to an employee of the marketing board at the exchange in a form provided by the marketing board, instructions as to the disposal of the cheese bought by him. O. Reg. 93/76, s. 8.

SERVICE CHARGES

9.—(1) Every producer shall pay to the marketing board service charges at the rate of one-third of one cent per 100 pounds of milk utilized in the manufacture of cheese.

(2) The marketing board shall, in respect of each month,

(a) prepare a statement of the service charges payable by each producer in the month; and

(b) mail such statement to the producer by prepaid first class mail not later than the fifteenth day of the next following month.

(3) Every producer shall pay to the marketing board the service charges payable by him in any month not later than the twenty-first day of the next following month. O. Reg. 93/76, s. 9.

REGULATION 614

under the Milk Act

CHEESE—INFORMATION TO BE FURNISHED

INTERPRETATION

1. In this Regulation,

- (a) "cheese" means cheddar cheese produced in Ontario;
- (b) "marketing board" means The Ontario Milk Marketing Board;
- (c) "producer" means a manufacturer of cheese. O. Reg. 94/76, s. 1.

APPLICATION OF REGULATION

2. This Regulation provides for the control and regulation in any or all respects of the marketing within Ontario of cheese, including the prohibition of such marketing in whole or in part. O. Reg. 94/76, s. 2.

INFORMATION

3. Every producer shall, in respect of each month,

(a) prepare a statement in a form provided by the marketing board of the cheese produced and marketed by him in the month; and

(b) mail such statement to the marketing board by prepaid first class mail not later than the last day of the next following month. O. Reg. 94/76, s. 3.

4. Every producer of ungraded cheese shall, in respect of each week,

(a) prepare a true copy of the invoice of weight listings for each vat of ungraded cheese produced in his plant in the week; and

(b) mail such true copy to the marketing board by prepaid first class mail not later than the last day of the week in which the ungraded cheese was produced. O. Reg. 94/76, s. 4.

5. The statement referred to in section 3 and the true copy of the invoice referred to in section 4 shall be mailed to The Ontario Milk Marketing Board, Cheese Division, Box 416, Belleville. O. Reg. 94/76, s. 5.

REGULATION 615

under the Milk Act

CHEESE—MARKETING

INTERPRETATION

1.—(1) In this Regulation,

- (a) “buyer” means a person engaged in the buying of cheese directly or indirectly from a producer;
- (b) “cheese” except as provided in subsection (2), means cheese of every variety produced in Ontario;
- (c) “cheese exchange” means the Belleville Cheese Exchange and the Stratford Cheese Exchange operated by the marketing board;
- (d) “marketing board” means The Ontario Milk Marketing Board;
- (e) “plan” means The Ontario Milk Marketing Plan;
- (f) “producer” means a manufacturer of cheese.

(2) In sections 3 to 8, both inclusive, and in Forms 1 and 2, “cheese” means cheddar cheese produced in Ontario. O. Reg. 92/76, s. 1.

APPLICATION OF REGULATION

2. This Regulation provides for the control and regulation in any or all respects of the marketing within Ontario of cheese, including the prohibition of such marketing in whole or in part. O. Reg. 92/76, s. 2.

LICENCES

3.—(1) No person shall commence or continue to engage in the buying of cheese except under the authority of a licence in Form 2.

(2) No licence in Form 2 shall be issued or renewed except upon application therefor in Form 1.

(3) A licence in Form 2 expires with the 31st day of March next following the date on which it is issued.

(4) The fee for a licence in Form 2, or a renewal thereof, is \$5 and shall be forwarded with an application in Form 1.

(5) A licence in Form 2 is not transferable. O. Reg. 92/76, s. 3.

4.—(1) The Commission may refuse to issue a licence to commence to engage in the buying of cheese where the applicant is not qualified by experience, financial responsibility or equipment to properly engage in that business, or for any other reason that the Commission considers proper.

(2) The Commission may suspend or revoke, or refuse to issue or renew, a licence to continue to engage in the buying of cheese, for failure to observe, perform or carry out any of the provisions of the Act, the regulations, the plan, or any order or direction of the Commission or marketing board. O. Reg. 92/76, s. 4.

DELEGATION OF POWERS TO MARKETING BOARD

5. The Commission delegates to the marketing board the power,

- (a) to require persons engaged in producing or marketing cheese to register their names, addresses and occupations with the marketing board;
- (b) to require persons engaged in producing or marketing cheese to furnish such information relating to the production or marketing of cheese as the marketing board determines;
- (c) to stimulate, increase and improve the marketing of cheese by such means as the marketing board considers proper; and
- (d) to co-operate with a marketing board or a marketing agency of Canada or of any province of Canada for the purpose of marketing cheese. O. Reg. 92/76, s. 5.

6. The Commission delegates to the marketing board its powers to make regulations with respect to cheese,

- (a) providing for the exemption from any or all of the regulations under the plan of any class, variety, grade or size of cheese, or of any person or class of persons engaged in the producing or marketing of cheese or any class, variety, grade or size of cheese;
- (b) subject to section 8, providing for the control and regulation of the marketing of cheese, including the times and places at which cheese may be marketed;

- (c) providing for the fixing, imposing and collecting of service charges from time to time for the marketing of cheese at a cheese exchange;
- (d) providing for the making of such orders and the issuing of such directions as are necessary to enforce the due observance and carrying out of the provisions of the Act, the regulations, the plan or any order or direction of the marketing board. O. Reg. 92/76, s. 6.

7. The Commission authorizes the marketing board,

- (a) to pay from service charges imposed under clause 6 (c), a part of its expenses in carrying out the purposes of the plan;
- (b) to prohibit the marketing of any class, variety, grade or size of cheese other than cheese offered for sale but not sold on a cheese exchange;
- (c) to require the price or prices of cheese to be paid to or through the marketing board, and to recover such price or prices by suit in a court of competent jurisdiction;
- (d) to purchase or otherwise acquire such quantity or quantities of cheese as the marketing board considers advisable and to sell or otherwise dispose of such quantity or quantities of cheese so purchased or otherwise acquired; and
- (e) to appoint agents, to prescribe their duties and terms and conditions of employment and to fix their remuneration and provide for the payment thereof. O. Reg. 92/76, s. 7.

8.—(1) All cheese shall be offered for sale and sold by auction at a cheese exchange.

(2) No producer shall offer to sell or sell cheese except by auction at a cheese exchange.

(3) No buyer shall buy cheese except by auction at a cheese exchange. O. Reg. 92/76, s. 8.

ADVISORY COMMITTEE

9.—(1) There shall be an advisory committee to be known as the "Advisory Committee for Cheese" appointed annually by the Commission in the month of January.

(2) The advisory committee shall be composed of,

- (a) a chairman; and

- (b) sixteen members, of whom eight members shall be appointed from persons nominated by the marketing board and eight members shall be appointed from persons nominated by The Ontario Dairy Council.

(3) Where the marketing board or The Ontario Dairy Council, as the case may be, fails to nominate a sufficient number of persons in accordance with subsection (2) prior to the 15th day of January in any year, the Commission may appoint such persons as are necessary to complete the advisory committee.

(4) Subject to subsection (5), the members of the advisory committee shall hold office until the 31st day of December of the year in which they are appointed.

(5) Where a member of the advisory committee dies or resigns or is unavailable to act before the expiration of his term of membership, the Commission shall appoint a person for the unexpired term of such member.

(6) The secretary of the advisory committee shall be appointed by the Commission. O. Reg. 92/76, s. 9.

10. The advisory committee is empowered to advise and make recommendations to the marketing board or to any person or organization represented on the committee in respect of,

- (a) the promotion of harmonious relationships between persons engaged in the producing and marketing of cheese;
- (b) the promotion of greater efficiency in the producing and marketing of cheese;
- (c) the prevention and correction of irregularities and inequities in the marketing of cheese;
- (d) the improvement of the quality and variety of cheese;
- (e) the improvement of the circulation of market information respecting cheese; and
- (f) without limiting the generality of any of the foregoing, any matter with respect to which the marketing board may be empowered to make regulations under the Act. O. Reg. 92/76, s. 10.

11. A meeting of the advisory committee may be convened at any time by notice in writing given by its chairman or secretary at least ten days before the date of the meeting, stating the time and place of the meeting, and a meeting shall be convened by the secretary upon the request in writing of any three members. O. Reg. 92/76, s. 11.

Form 1

Milk Act

APPLICATION FOR LICENCE
TO ENGAGE IN THE BUYING OF CHEESE

To: The Milk Commission of Ontario,
Legislative Buildings,
Toronto, Ontario
M7A 2B2

.....
(name of applicant)
.....
(address)

applies for a licence to engage in the buying of
cheese under the *Milk Act*.

The licence fee of \$5 accompanies this application.

Dated at this day of
....., 19....
.....
(signature of applicant)

O. Reg. 92/76, Form 1.

Form 2

Milk Act

LICENCE TO ENGAGE IN THE BUYING
OF CHEESE

UNDER the *Milk Act* and the regulations, and
subject to the limitations thereof, this licence is
issued to,

.....
(name)
of
(address)
to engage in the buying of cheese.

This licence expires with the 31st day of March,
19....

Issued at Toronto, this day of,
19....

THE MILK COMMISSION OF ONTARIO:
.....
Chairman
.....
Secretary

O. Reg. 92/76, Form 2.

REGULATION 616

under the Milk Act

CHEESE—MARKETING—EXEMPTIONS

INTERPRETATION

1. In this Regulation,
- (a) "cheese" means cheese of every variety produced in Ontario;
 - (b) "producer of cheese" means the person who owns the cheese at the time it is made. O. Reg. 299/73, s. 1.
2. The Ontario Milk Marketing Board exempts from section 8 of Regulation 615 of Revised Regulations of Ontario, 1980,
- (a) cheese that is sold directly to consumers at the plant of the producer thereof;
 - (b) a producer of cheese named in column 1 of Schedule 1 in respect of cheese manufactured from pasteurized milk at the plant or plants set opposite the name of the producer in column 2; and
 - (c) a producer of cheese named in column 1 of Schedule 2 in respect of cheese packaged in containers other than,
 - (i) rectangular containers having a capacity of 40 pounds, or
 - (ii) round containers having a capacity of 90 pounds,and manufactured at the plant or plants set opposite the name of the producer in column 2. O. Reg. 299/73, s. 2; O. Reg. 318/78, s. 1.

Schedule 1

COLUMN 1	COLUMN 2
Producer of Cheese	Location of Plant
Atwood Cheese Company Ltd. (Division of National Cheese Co. Ltd.)	Atwood
Ault Foods Limited	Winchester
Ault Foods Limited	Napanee
Balderson Cheese Ltd.	Balderson
The Beulah Co-operative Butter & Cheese Co.	Madoc

COLUMN 1	COLUMN 2
Producer of Cheese	Location of Plant
Bright Cheese and Butter Mfg. Co. Ltd.	Bright
Central Manufacturing Cheese and Butter Company	Stirling
Dairyland Foods Limited	Spencerville
Darigold Products Limited	Oakville
Eldorado Cheese and Butter Co-operative	Eldorado
Empire Cheese & Butter Co-operative	Campbellford
Forfar Dairy Limited	Elgin
Harold Cheese Mfg.	Stirling
Harrowsmith Cheese Factory Ltd.	Harrowsmith
Kemptville College of Agricultural Technology	Kemptville
Kraft Limited	Ingleside Williamstown Wolfe Island
Millbank Cheese & Butter Ltd.	Millbank
Pine Grove Farms Inc.	Lakefield
Pine River Cheese and Butter Co-operative	Ripley
Plum Hollow Cheese & Cream Co-operative Ltd.	Athens
Riverside Cheese & Butter Inc.	Trenton
St. Albert Co-operative Cheese Mfg. Ass.	St. Albert
St. Lawrence Parks Commission (Upper Canada Village Cheese Factory)	Morrisburg
Tavistock Union Cheese & Butter Ltd.	Tavistock

COLUMN 1	COLUMN 2
Producer of Cheese	Location of Plant
The Teeswater Creamery Ltd., Division of R.C. & D.H. Holdings Ltd.	Teeswater
Thornloe Cheese Factory (Licensee—Balderson Cheese Ltd.)	Thornloe
Union Star Cheese Factory Limited	Renfrew

O. Reg. 248/80, s. 1.

Schedule 2

COLUMN 1	COLUMN 2
Producer of Cheese	Location of Plant
Atwood Cheese Company Ltd. (Division of National Cheese Co. Ltd.)	Atwood
Ault Foods Limited	Winchester
Ault Foods Limited	Napanee
Balderson Cheese Ltd.	Balderson
The Beulah Co-operative But- ter & Cheese Company	Madoc
Bright Cheese and Butter Mfg. Co. Ltd.	Bright
Central Manufacturing Cheese and Butter Company	Stirling
Dairyland Foods Limited	Spencerville
Darigold Products Limited	Oakville
Eldorado Cheese and Butter Co-operative	Eldorado
Forfar Dairy Limited	Elgin

COLUMN 1	COLUMN 2
Producer of Cheese	Location of Plant
Harold Cheese Mfg.	Stirling
Harrowsmith Cheese Factory Ltd.	Harrowsmith
Kemptville College of Agricultural Technology	Kemptville
Kraft Limited	Ingleside Williamstown Wolfe Island
Mapleton Cheese & Butter Co. Ltd.	St. Thomas
Millbank Cheese & Butter Ltd.	Millbank
Pine Grove Farms Inc.	Lakefield
Pine River Cheese and Butter Co-operative	Ripley
Plum Hollow Cheese & Cream Co-operative Ltd.	Athens
Riverside Cheese & Butter Inc.	Trenton
St. Albert Co-operative Cheese Mfg. Ass.	St. Albert
St. Lawrence Parks Commis- sion (Upper Canada Village Cheese Factory)	Morrisburg
Tavistock Union Cheese & Butter Ltd.	Tavistock
The Teeswater Creamery Ltd., Division of R.C. & D.H. Holdings Limited	Teeswater
Thornloe Cheese Factory (Licensee—Balderson Cheese Ltd.)	Thornloe
Union Star Cheese Factory Limited	Renfrew

O. Reg. 248/80, s. 2.

REGULATION 617

under the Milk Act

CREAM FOR PROCESSING—PLAN

1. The plan in the Schedule is continued for the control and regulation of the marketing within Ontario of cream for processing. R.R.O. 1970, Reg. 585, s. 1, *revised*.

2. The marketing board named in the Schedule is given all of the powers that are vested in a co-operative corporation incorporated under the *Co-operative Corporations Act*. O. Reg. 973/78, s. 1.

3. The members of the marketing board shall be deemed to be the shareholders and directors thereof in the exercise of any of the powers mentioned in section 2. O. Reg. 136/71, s. 1, *part*.

Schedule

Milk Act

PLAN

1. This plan may be cited as "The Ontario Cream Producers' Marketing-for-Processing Plan".

2. In this plan,

- (a) "cream" means cream delivered to a plant in Ontario for manufacture into creamery butter;
- (b) "producer" means a producer engaged in the production of cream.

3. This plan applies to the control and regulation of the marketing within Ontario of cream.

4. There shall be a marketing board to be known as "The Ontario Cream Producers' Marketing Board".

5. The marketing board shall be composed of nine producer-members.

6.—(1) Producers are divided into nine districts as follows:

- 1. District 1, comprising the counties of Dundas, Glengarry, Grenville, Lanark, Leeds, Renfrew, Russell, Stormont, Prescott and The Regional Municipality of Ottawa-Carleton.
- 2. District 2, comprising the counties of Frontenac, Hastings, Lennox and Addington, Northumberland, Peterborough, Prince Edward and Victoria.

3. District 3, comprising the County of Simcoe, the County of York as it existed on the 31st day of December, 1970, and the regional municipalities of Durham, Halton and Peel.

4. District 4, comprising the counties of Brant and Oxford and the regional municipalities of Haldimand-Norfolk, Hamilton-Wentworth and Niagara.

5. District 5, comprising the counties of Dufferin, Wellington and The Regional Municipality of Waterloo.

6. District 6, comprising the counties of Huron and Perth.

7. District 7, comprising the counties of Bruce and Grey.

8. District 8, comprising the counties of Elgin, Essex, Kent, Lambton and Middlesex.

9. District 9, comprising the territorial districts of Algoma, Cochrane, Kenora, Manitoulin, Muskoka, Nipissing, Parry Sound, Rainy River, Sudbury, Thunder Bay and Timiskaming, and the Provisional County of Haliburton.

(2) A producer in a county or regional municipality not included in a district mentioned in subsection (1) may become a member of the county group of producers nearest to his place of production.

7. Producers in each of the counties, regional municipalities, territorial districts and the Provisional County of Haliburton named in subsection 6 (1) form a group of producers to be known as a "county group of producers".

8. There shall be a committee in each district mentioned in subsection 6 (1) to be known as a "District Cream Producers' Committee".

9. On or before the 1st day of November in each year each county group of producers shall elect a representative or representatives from its members to the District Cream Producers' Committee for the district in which the county, regional municipality, territorial district or the Provisional County of Haliburton is located on the basis of one representative for each twenty-five producers or fraction thereof.

10. On or before the 30th day of November in each year each District Cream Producers' Committee shall

elect from the producers in the district one member to the marketing board.

11.—(1) When in any year a District Cream Producers' Committee fails to elect the member to the marketing board in accordance with section 10, the marketing board may at its first meeting after the 30th day of November in that year appoint a producer to the marketing board.

(2) When a member elected or appointed to the marketing board dies or resigns before the expiration of the term for which he was elected or appointed, the members of the marketing board may appoint a producer for the unexpired term.

(3) A producer appointed a member of the marketing board under subsection (1) or (2) is a producer in the district for which he is appointed.

(4) Where a member, after his election or appointment to the marketing board,

(a) ceases to be a producer before the expiration of the term for which he was elected or appointed; and

(b) does not resign from the marketing board,

the member shall be deemed to be a producer-member for the purpose of holding office for the remainder of such term.

12. The Lieutenant Governor in Council shall appoint to the marketing board every person elected or appointed to the marketing board in accordance with the provisions of this plan. R.R.O. 1970, Reg. 585, Sched.; O. Reg. 136/71, ss. 2-4; O. Reg. 694/74, s. 1; O. Reg. 1129/80, ss. 1-3.

REGULATION 618

under the Milk Act

CREAM FOR PROCESSING—MARKETING

1.—(1) In this Regulation,

- (a) “cream” means cream delivered to a plant in Ontario for manufacture into creamery butter;
- (b) “creamery operator” means a person engaged in the manufacture of creamery butter at a plant;
- (c) “marketing board” means The Ontario Cream Producers’ Marketing Board;
- (d) “plan” means The Ontario Cream Producers’ Marketing-for-Processing Plan;
- (e) “producer” means a producer engaged in the production of cream. R.R.O. 1970, Reg. 586, s. 1 (1); O. Reg. 137/71, s. 1.

(2) In this Regulation, “Commission” means The Milk Commission of Ontario. R.R.O. 1970, Reg. 586, s. 1 (2).

2. This Regulation provides for the control and regulation in any or all respects of the marketing within Ontario of cream, including the prohibition of such marketing in whole or in part. O. Reg. 137/71, s. 2.

LICENCES

3. No person shall be a creamery operator except the holder of a licence for the operation of a plant under Regulation 629 of Revised Regulations of Ontario, 1980. O. Reg. 137/71, s. 3, *part*.

4. The Commission delegates to the marketing board the power,

- (a) to require persons engaged in producing or marketing cream to register their names, addresses and occupations with the marketing board;
- (b) to require persons engaged in producing or marketing cream to furnish such information relating to the production or marketing of cream as the marketing board determines;
- (c) to stimulate, increase and improve the marketing of cream by such means as the marketing board considers proper;

(d) to co-operate with a marketing board or a marketing agency of Canada or of any province of Canada for the purpose of marketing cream;

(e) to take such action and make such orders and issue such directions as are necessary to enforce the due observance and carrying out of the provisions of the Act, the regulations, the plan or any agreement or award. O. Reg. 137/71, s. 3, *part*.

5. The Commission delegates to the marketing board its powers to make regulations with respect to cream,

(a) providing for the licensing of any or all persons before commencing or continuing to engage in the producing of cream;

(b) prohibiting persons from engaging in the producing of cream except under the authority of a licence;

(c) providing for the refusal to issue a licence to commence to engage in the producing of cream where the applicant is not qualified by experience, financial responsibility or equipment to properly engage in the business for which the application was made, or for any other reason that the marketing board considers proper;

(d) providing for the suspension or revocation of, or the refusal to issue or renew, a licence to continue to engage in the producing of cream for failure to observe, perform or carry out the provisions of the Act, the regulations, the plan or any order or direction of the marketing board;

(e) providing for the fixing of licence fees payable yearly, half-yearly, quarterly or monthly at different amounts or in instalments from any or all persons producing cream, and the collecting of the licence fees and the recovering of such licence fees by suit in any court of competent jurisdiction;

(f) requiring any person who receives cream from a producer to deduct from the moneys payable to the producer any licence fees payable by the producer to the marketing board and to pay such licence fees to the marketing board not later than the tenth day of the following month;

- (g) requiring any person who produces and processes cream to furnish to the marketing board statements of the amounts of cream that he produced in any year and used for processing;
- (h) prescribing the form of licences;
- (i) providing for the control and regulation of the marketing of cream, including the times and places at which cream may be marketed;
- (j) providing for the fixing, imposing and collecting of service charges from time to time for the marketing of cream;
- (k) prohibiting any person from processing, packing or packaging any cream that has not been sold through the marketing board;
- (l) providing for the making of such orders and the issuing of such directions as are necessary to enforce the due observance and carrying out of the provisions of the Act, the regulations, the plan or any order or direction of the marketing board. O. Reg. 137/71, s. 3, *part*; O. Reg. 589/72, s. 1; O. Reg. 850/80, s. 2; O. Reg. 1019/80, s. 1.

6. The Commission authorizes the marketing board,

- (a) to pay from service charges imposed under clause (5) (j) its expenses in carrying out the purposes of the plan;
- (b) to use any class of licence fees and other moneys payable to it for the purposes of paying the expenses of the marketing board, carrying out and enforcing the Act and the regulations and carrying out the purposes of the plan;
- (c) to establish a fund in connection with the plan for the payment of any moneys that may be required for the purposes mentioned in clause (b);
- (d) to appoint agents, to prescribe their duties and terms and conditions of employment and to fix their remuneration and provide for the payment thereof;
- (e) to require that cream be marketed on a quota basis;
- (f) to prohibit any person to whom a quota has not been fixed and allotted for the marketing of cream or whose quota has been cancelled from marketing any cream;
- (g) to prohibit any person to whom a quota has been fixed and allotted for the marketing of cream from marketing any cream in excess of such quota;

- (h) to fix and allot to persons quotas for the marketing of cream on such basis as the marketing board considers proper;
- (i) to refuse to fix and allot to any person a quota for the marketing of cream for any reason that the marketing board considers proper;
- (j) to cancel or reduce, or refuse to increase, a quota fixed and allotted to any person for the marketing of cream for any reason that the marketing board considers proper;
- (k) to permit any person to whom a quota has been fixed and allotted for the marketing of cream to market any cream in excess of such quota on such terms and conditions as the marketing board considers proper. O. Reg. 137/71, s. 3, *part*; O. Reg. 589/72, s. 2.

NEGOTIATING AGENCY

7.—(1) There shall be a negotiating agency to be known as "The Negotiating Committee for Cream" of ten persons appointed annually after the 1st day of January and before the 1st day of April upon the request in writing of the Commission, of whom five shall be appointed by the marketing board and five shall be appointed by the creamery operators.

(2) Where the marketing board or the creamery operators fail to appoint the persons in accordance with subsection (1) within seven days of the request in writing of the Commission, the Commission may appoint such representatives as are necessary to complete The Negotiating Committee for Cream. R.R.O. 1970, Reg. 586, s. 8.

8. The Negotiating Committee for Cream is empowered to adopt or settle by agreement,

- (a) minimum prices for cream or for any class or grade of cream;
- (b) terms, conditions and forms of agreements relating to the producing or marketing of cream; and
- (c) any charges, costs or expenses relating to the production or marketing of cream. R.R.O. 1970, Reg. 586, s. 9.

9.—(1) A meeting of a negotiating agency may be convened by a notice in writing given by the members of the negotiating agency appointed by the marketing board or by the creamery operators to the other members of the negotiating agency at least seven days, but not more than ten days, before the date of the meeting stating the time and place of the meeting.

(2) A copy of the notice under subsection (1) shall be forwarded to the commission. R.R.O. 1970, Reg. 586, s. 10.

BOARD OF ARBITRATION

10.—(1) Where a meeting of the negotiating agency is not held in accordance with the notice under section 10 or, where a meeting is held and the negotiating agency does not arrive at an agreement respecting all matters that it is empowered to adopt or settle by agreement within fourteen days after the date of the meeting stated in the notice under section 9, the matters in dispute shall be referred by the Commission to a Board of Arbitration.

(2) Where the negotiating agency decides within fourteen days after the date of the meeting stated in the notice under section 9 that an agreement on all matters that it is empowered to adopt or settle by agreement cannot be reached, it shall so notify the Commission.

(3) Where the negotiating agency does not arrive at an agreement on all matters that it is empowered to adopt or settle by agreement, it may submit in writing to the Commission a statement or statements of the matters in dispute. R.R.O. 1970, Reg. 586 s. 11.

11.—(1) The Board of Arbitration shall be composed of three members.

(2) One member may be appointed by the members of the negotiating agency appointed by the marketing board and one other member may be appointed by the members of the negotiating agency appointed by the creamery operators.

(3) Where the two members are appointed to the Board of Arbitration in accordance with subsection (2), the two members so appointed may appoint a third member to the Board of Arbitration but, where the two members fail to agree on the third member within seven days after the Commission was notified under subsection 10 (2), or fourteen days after the date stated in the notice under section 10, as the case may be, the Commission shall appoint the third member.

(4) Where the members of the negotiating agency fail to make the appointment to the Board of Arbitration in accordance with subsection (2), within seven days after the Commission was notified under subsection 10 (2), or fourteen days after the date stated in the notice under section 9, as the case may be, the Commission shall appoint such members as are necessary to complete the Board of Arbitration.

(5) The Commission shall submit to the Board of Arbitration any statement or statements of the matters in dispute received from the negotiating agency under subsection 10 (3).

(6) The Board of Arbitration shall meet within seven days after the appointment of the third member thereof and shall make an award in respect of the matters referred to it, or in respect of all matters that the negotiating agency is empowered to adopt or settle by agreement, as the case may be. R.R.O. 1970, Reg. 586, s. 12.

REGULATION 619

under the Milk Act

CREAM PRODUCERS—LICENCES

1. In this Regulation,
- (a) “cream” means cream delivered to a plant in Ontario for manufacture into creamery butter;

(b) “marketing board” means The Ontario Cream Producers’ Marketing Board;

(c) “plan” means The Ontario Cream Producers’ Marketing-for-Processing Plan;

(d) “producer” means a producer engaged in the production of cream. O. Reg. 138/71, s. 1; O. Reg. 108/74, s. 1.
2. This Regulation provides for the control and regulation in any or all respects of the marketing within Ontario of cream, including the prohibition of such marketing in whole or in part. O. Reg. 138/71, s. 2.
- 3.—(1) No person shall commence or continue to engage in the producing of cream except under the authority of a licence as a producer of cream in Form 1.
- (2) A licence in Form 1 is not transferable.
- (3) Where a producer ceases to engage in the producing of cream, he shall forthwith surrender his licence to the marketing board.
- (4) The marketing board may refuse to issue a licence to commence to engage in the producing of cream where the applicant is not qualified by experience, financial responsibility or equipment to properly engage in the business for which the application was made, or for any other reason that the marketing board considers proper.
- (5) The marketing board may suspend or revoke or refuse to issue or renew, a licence to continue to engage in the producing of cream for failure to observe, perform or carry out the provisions of the Act, the regulations, the plan or any order or direction of the marketing board. O. Reg. 138/71, s. 3.
- 4.—(1) Every producer shall pay licence fees at the rate of 8 cents for each kilogram or fraction thereof of milk-fat in cream delivered to a plant. O. Reg. 1140/80, s. 1 (1).
- (2) Every person who receives cream from a producer shall deduct from the moneys payable to the producer the licence fees payable by the producer to the marketing board and shall pay such

- licence fees to the marketing board. O. Reg. 138/71, s. 4 (2).
- (3) Every person who deducts licence fees under subsection (2) shall pay to the marketing board the fees deducted in each month not later than the tenth day of the following month. O. Reg. 1140/80, s. 1 (2).
- (4) The marketing board may recover from any person by suit in a court of competent jurisdiction any licence fees payable to the marketing board. O. Reg. 138/71, s. 4 (4).
- 5.—(1) Cream shall be marketed on a quota basis.
- (2) No person to whom a quota has not been fixed and allotted for the marketing of cream or whose quota has been cancelled shall market any cream.
- (3) No person to whom a quota has been fixed and allotted for the marketing of cream shall market any cream in excess of such quota. O. Reg. 984/78, s. 2.
6. Every person who receives cream from a producer shall report to the marketing board the amount of milk-fat received in each month from each producer not later than the tenth day of the following month. O. Reg. 1140/80, s. 2.
- Form 1
- Milk Act
- LICENCE TO ENGAGE IN
THE PRODUCING OF CREAM
- Under the *Milk Act* and the regulations, and subject to the limitations thereof, this licence is issued to.....
- (name)
- of.....
- (address)
- to engage in the producing of cream.
- Issued at Toronto, this.....day of....., 19....
- THE ONTARIO CREAM PRODUCERS’
MARKETING BOARD:
-
- Chairman
-
- Secretary
- O. Reg. 138/71, Form 1.

REGULATION 620

under the Milk Act

GRADE A MILK — MARKETING

INTERPRETATION

1. In this Regulation,

- (a) "marketing board" means The Ontario Milk Marketing Board;
- (b) "processor" means a person engaged in the processing of fluid milk products or on whose behalf fluid milk products are processed, and includes a person engaged in the processing of concentrated liquid milk, concentrated liquid chocolate milk, concentrated liquid partly-skimmed milk or concentrated liquid skim-milk;
- (c) "producer" means a producer of milk to whom a quota for the marketing of grade A milk has been fixed and allotted by the marketing board, but does not include a producer whose quota has been cancelled by the marketing board. O. Reg. 189/78, s. 1.

APPLICATION OF REGULATION

2. This Regulation provides for the control and regulation in any or all respects of the marketing within Ontario of milk, including the prohibition of such marketing in whole or in part. O. Reg. 189/78, s. 2.

PURCHASE AND SALE OF MILK

3. All milk supplied to a processor shall be sold to the processor by the marketing board and bought by the processor from the marketing board on the terms and conditions prescribed in this Regulation. O. Reg. 189/78, s. 3.

4.—(1) No processor shall buy milk from any person other than the marketing board.

(2) No person other than the marketing board shall sell milk to a processor.

(3) No processor shall sell the milk produced by a producer. O. Reg. 189/78, s. 4.

5. No processor shall process, pack or package any milk that has not been sold by the marketing board. O. Reg. 189/78, s. 5.

6.—(1) Every person shall pay to the marketing board the price or prices for all milk sold to him by the marketing board.

(2) The marketing board may recover from any person by suit in a court of competent jurisdiction any price or prices for milk payable to the marketing board. O. Reg. 189/78, s. 6.

ASSIGNMENT OF PRODUCERS

7.—(1) The marketing board shall assign to a processor a sufficient number of producers to supply his requirements for Classes 1, 2, 3 and 4 milk.

(2) Except as otherwise provided in this Regulation, every processor shall receive all milk supplied to him by the producers assigned to him by the marketing board. O. Reg. 189/78, s. 7.

8.—(1) On a request by a processor, the marketing board shall assign to him producers who have Jersey cows or Guernsey cows, as the case may be, where,

(a) such producers were supplying milk to the processor immediately preceding the 1st day of March, 1968; and

(b) the average milk-fat content of the total volume of milk in litres supplied by each of such producers during the three-month period immediately preceding the request was not less than 4.5 kilograms of milk-fat per hectolitre of milk.

(2) On a request by a processor, including a processor mentioned in subsection (1), the marketing board shall assign to him producers who have Jersey cows or Guernsey cows, as the case may be, where,

(a) such producers are readily available; and

(b) the average milk-fat content of the total volume of milk in litres supplied by each of such producers during the three-month period immediately preceding the request was not less than 4.5 kilograms of milk-fat per hectolitre of milk.

(3) No processor mentioned in subsections (1) and (2) shall cease to receive the milk of a producer assigned to him by the marketing board until the expiry of thirty days after the marketing board receives notice in writing of the processor's intention to cease receiving the milk of the producer. O. Reg. 189/78, s. 8.

REJECTED MILK

9. Where milk supplied to a processor is rejected by a milk grader at a plant under Regulation 629 of Revised Regulations of Ontario, 1980,

- (a) the processor shall notify the marketing board forthwith; and
- (b) the marketing board, on receipt of a notice under clause (a), shall,
 - (i) supply to him an equivalent amount of milk as soon as possible after receipt of the notice, and
 - (ii) cause the rejected milk to be removed from his premises at no cost to him. O. Reg. 189/78, s. 9.

INSUFFICIENT SUPPLY OF MILK

10. Where the producers assigned to a processor under subsection 7 (1) fail to supply his normal requirements for milk, the marketing board shall assign additional producers to him. O. Reg. 189/78, s. 10.

11.—(1) Where from time to time the amount of milk supplied to a processor by the producers assigned to him under subsection 7 (1) is not sufficient for his requirements, he shall notify the marketing board respecting the amount of additional milk required by him.

(2) On receipt of a notice under subsection (1), the marketing board,

- (a) where milk is readily available; or
- (b) where the notice is received not less than thirty-six hours preceding the time the milk is required,

shall supply to the processor the amount of additional milk required by him.

- (3) The marketing board shall not,
 - (a) assign additional producers to a processor under section 10; or
 - (b) supply additional milk to a processor under subsection (2),

unless the processor is utilizing all milk supplied to him by the producers assigned to him under subsection 7 (1). O. Reg. 189/78, s. 11.

EXCESS SUPPLY OF MILK

12. Where,

- (a) producers assigned to a processor supply milk in excess of his normal requirements; and

(b) the processor notifies the marketing board,

the marketing board shall reduce the number of producers so as to satisfy his normal requirements. O. Reg. 189/78, s. 12.

13.—(1) Where from time to time the amount of milk supplied to a processor by the producers assigned to him is in excess of his requirements, he shall forthwith notify the marketing board respecting the amount of excess milk.

(2) The marketing board shall divert the amount of excess milk by,

- (a) re-directing such milk to another processor; or
- (b) causing such milk to be removed from the processor's plant,

within thirty-six hours of receipt of a notice under subsection (1).

(3) Subject to subsection (4), where excess milk is removed from a processor's plant under clause (2) (b), the processor shall compensate the marketing board for,

- (a) the cost of removing the milk; and
- (b) the losses incurred by the marketing board in disposing of the milk.

(4) Where the marketing board fails to remove excess milk within thirty-six hours of receipt of a notice under subsection (1), the processor is not liable to compensate the marketing board under subsection (3). O. Reg. 189/78, s. 13.

14.—(1) Notwithstanding section 13, where from time to time the amount of milk supplied to a processor by the producers assigned to him is in excess of his requirements, the processor may, with the approval in writing of the marketing board obtained on application therefor, divert such excess milk to the plant or plants designated by the marketing board in its approval upon notifying,

- (a) the transporters transporting the excess milk; and
- (b) the operator of each plant to which such milk is diverted.

(2) An approval by the marketing board under subsection (1),

- (a) shall designate,
 - (i) the producers whose milk may be diverted, and
 - (ii) the transporters and operators of plants with whom the processor may

arrange for the diversion of excess milk;

(b) may be cancelled at any time by the marketing board by notice in writing to the processor not less than forty-eight hours before the cancellation takes effect; and

(c) is issued on the condition that the processor furnishes the marketing board with such information respecting the diversion of milk as the marketing board requires.

(3) Where a processor diverts excess milk in accordance with this section, the marketing board shall compensate him for his actual expenses in connection therewith. O. Reg. 189/78, s. 14.

15. For the purposes of sections 9, 11 and 13, the marketing board shall have personnel available on every day except Sunday as follows:

1. Monday to Friday, both inclusive, from 9 a.m. until 5 p.m.
2. Saturday and a statutory holiday, from 9 a.m. until 4 p.m. O. Reg. 189/78, s. 15.

PRICES

16.—(1) All Class 1 milk supplied to a processor in those parts of Ontario comprising the Northern Ontario Pool, the Northwestern Ontario Pool and the Thunder Bay Pool shall be sold by the marketing board and bought by the processor for not less than a minimum price of \$39.65 per hectolitre for milk containing 3.6 kilograms of milk-fat per hectolitre.

(2) All Class 1 milk supplied to a processor in those parts of Ontario comprising the Southern Ontario Pool shall be sold by the marketing board and bought by the processor for not less than a minimum price of \$38.36 per hectolitre for milk containing 3.6 kilograms of milk-fat per hectolitre.

(3) All Class 2 milk supplied to a processor shall be sold by the marketing board and bought by the processor for not less than a minimum price of \$37.36 per hectolitre for milk containing 3.6 kilograms of milk-fat per hectolitre. O. Reg. 673/80, s. 1.

(4) All Class 3 milk supplied to a processor shall be sold by the marketing board and bought by the processor for not less than a minimum price of \$31.35 per hectolitre for milk containing 3.6 kilograms of milk-fat per hectolitre. O. Reg. 626/80, s. 1 (1), *part*.

(5) All Class 4 milk supplied to a processor shall be sold by the marketing board and bought by the processor for not less than a minimum price of \$32.11 per hectolitre for milk containing 3.6 kilograms of milk-fat per hectolitre. O. Reg. 1136/80, s. 1 (1).

(6) All Class 4a milk supplied to a processor shall be sold by the marketing board and bought by the processor for not less than a minimum price of \$30.40 per hectolitre for milk containing 3.6 kilograms of milk-fat per hectolitre. O. Reg. 1136/80, s. 1 (2).

(7) All Class 4b milk supplied to a processor shall be sold by the marketing board and bought by the processor for not less than a minimum price of \$29.62 per hectolitre for milk containing 3.6 kilograms of milk-fat per hectolitre. O. Reg. 829/80, s. 1(1).

(8) All Class 5 milk supplied to a processor shall be sold by the marketing board and bought by the processor for not less than a minimum price of \$29.37 per hectolitre for milk containing 3.6 kilograms of milk-fat per hectolitre. O. Reg. 1136/80, s. 1 (3).

(9) All Class 5a milk supplied to a processor shall be sold by the marketing board and bought by the processor for not less than a minimum price of \$28.67 per hectolitre for milk containing 3.6 kilograms of milk-fat per hectolitre. O. Reg. 829/80, s. 1(2).

(10) All Class 6 milk supplied to a processor shall be sold by the marketing board and bought by the processor for not less than a minimum price of \$29.37 per hectolitre for milk containing 3.6 kilograms of milk-fat per hectolitre. O. Reg. 1136/80, s. 1 (4).

(11) The minimum prices that apply under subsections (1), (2), (3), (4), (5), (6), (7), (8), (9) and (10) shall be increased or decreased at the rate of \$0.447 for each 0.10 kilograms of milk-fat above or below 3.6 kilograms of milk-fat in each hectolitre of milk. O. Reg. 626/80, s. 1 (5).

DELIVERY OF MILK

17.—(1) Milk shall be delivered to a processor on the days and at the times agreed upon by the marketing board and the processor.

(2) Every processor shall,

(a) provide space and facilities for the unloading of milk from a tank-truck;

(b) unload the milk from a tank-truck,

(i) within two hours of the time of arrival at the plant where the arrival is at a time agreed upon under subsection (1), or

(ii) within such additional time as may be required where an emergency exists at the plant by reason of a processing breakdown;

(c) receive from the operator of the tank-truck the original and the first copy of the milk collection report made and signed by the operator;

- (d) acknowledge receipt of milk by signing the original and the second copy of the milk collection report referred to in clause (c); and
- (c) make and sign a milk collection summary in a form provided by the marketing board. O. Reg. 189/78, s. 17.

REPORTS

18. Where a processor receives milk on any day, he shall on the next following day that is not a Saturday or a holiday forward to the marketing board by prepaid first class mail,

- (a) the original of the milk collection report referred to in clause (d); and
- (b) one copy of the milk collection summary referred to in clause (e),

of subsection 17 (2). O. Reg. 189/78, s. 18.

19.—(1) Every processor shall, in respect of each month,

- (a) make and sign a milk utilization report in a form provided by the marketing board; and
- (b) mail such milk utilization report to the marketing board by prepaid first class mail before the sixth day of the next following month or, where a holiday falls within that six-day period, before the seventh day of that month.

(2) Subject to subsection (3), where a processor fails to comply with subsection (1) in respect of any month,

- (a) all milk supplied to the processor in the month shall be deemed to have been utilized by the processor as Class 1 milk; and
- (b) the processor shall pay the marketing board for the milk at the price determined under section 16 for Class 1 milk.

(3) Upon receipt of the milk utilization report mentioned in subsection (1), the marketing board shall adjust the amount determined under clause (2) (b) in accordance with the utilization of the milk as shown on such report. O. Reg. 189/78, s. 19.

PAYMENT FOR MILK

20.—(1) The marketing board shall, in respect of each month,

- (a) prepare a statement of the milk supplied to the processor in the month that determines the amount that the processor shall pay to the marketing board for milk supplied to him in the month; and

- (b) mail such statement to the processor by prepaid first class mail not later than the fifteenth day of the next following month.

(2) The statement mentioned in subsection (1) shall be accompanied by a further statement containing,

- (a) a list of all truck loads of milk received by the processor in the month;
- (b) the volume of milk in each truck load; and
- (c) the milk-fat content of the milk in each truck load. O. Reg. 189/78, s. 20.

21.—(1) Every processor shall pay to the marketing board the amount payable for milk supplied to the processor in any month as follows:

1. A payment on account at the rate of \$24.30 per hectolitre not later than the fourteenth day of the next following month or, where a holiday falls within the first twelve days of that month, not later than the fifteenth day of that month.
2. The balance of the amount payable not later than the twenty-first day of the next following month. O. Reg. 189/78, s. 21 (1); O. Reg. 278/78, s. 2; O. Reg. 414/78, s. 2; O. Reg. 757/78, s. 2; O. Reg. 999/78, s. 2; O. Reg. 197/79, s. 2; O. Reg. 273/79, s. 2; O. Reg. 575/79, s. 2; O. Reg. 821/79, s. 2; O. Reg. 956/79, s. 2; O. Reg. 246/80, s. 2; O. Reg. 626/80, s. 2; O. Reg. 673/80, s. 2; O. Reg. 1136/80, s. 2.

(2) Every payment made to the marketing board under subsection (1) shall be identified with the plant of the processor in respect of which it is made. O. Reg. 189/78, s. 21 (2).

22.—(1) For the purpose of this Regulation, milk shall be tested for milk-fat content by an Infra Red Milk Analyzer at a laboratory approved by The Milk Commission of Ontario in accordance with Regulation 629 of Revised Regulations of Ontario, 1980.

(2) Where milk is tested for milk-fat content by an Infra Red Milk Analyzer, the marketing board shall furnish the processor with a copy of the statement supplied by the laboratory of the milk-fat content of the milk of each producer assigned to the processor.

(3) Where a load of milk is received by a processor,

- (a) from producers assigned to him; or
- (b) from producers whose milk was diverted to him,

the weighted average of the milk-fat content of the milk of the producers thereof for the test period established for such producers under Regulation 629 of Revised Regulations of Ontario, 1980, in which the load was received shall be the milk-fat content of the milk in the load.

(4) Where a processor receives milk that is diverted by another processor who cannot identify the producers of such milk, the milk-fat content of the milk shall be agreed upon by such processors and shall be recorded on the milk collection report that accompanies the tank-truck of diverted milk and, failing such agreement, the weighted average of the milk-fat content of the milk of the producers assigned to the diverting processor as determined by the marketing board shall be the milk-fat content of the diverted milk. O. Reg. 189/78, s. 22.

VERIFICATION OF MILK VOLUMES

23.—(1) For the purposes of determining the amount payable by a processor for milk supplied to him in any month, the processor shall accept as the volume of milk in each tank-truck received by him the volume recorded in the milk collection report of the operator of the tank-truck.

(2) Notwithstanding subsection (1), a processor may verify the volume of milk received by him,

- (a) during any month by weighing every tank-truck of milk received by him in that month in respect of a transport route of a transporter in accordance with clause 24 (1) (a) or (b);
- (b) by weighing from time to time any tank-truck of milk received by him in accordance with clause 24 (1) (a) or (b);
- (c) during any month by measuring the volume in litres of the milk in every tank-truck of milk received by him in that month in respect of a transport route of a transporter in accordance with clause 24 (1) (c); or
- (d) by measuring from time to time the volume in litres of milk in any tank-truck in accordance with clause 24 (1) (c).

(3) Where,

- (a) a processor verifies the volume of milk in accordance with clause (2) (a);
- (b) the total volume for the month is less than recorded on the milk collection reports therefor; and
- (c) the shortage exceeds .35 per cent of the volume recorded,

the processor may submit a claim for payment to the marketing board for that portion of the shortage that exceeds .35 per cent of the volume recorded.

(4) Where,

- (a) a processor verifies the volume of milk in a tank-truck of milk in accordance with clause (2) (b);
- (b) the volume is less than recorded on the milk collection report therefor; and
- (c) the shortage exceeds .70 per cent of the volume recorded,

the processor may submit a claim for payment to the marketing board for that portion of the shortage that exceeds .70 per cent of the volume recorded.

(5) Where,

- (a) a processor verifies the volume of milk in accordance with clause (2) (e);
- (b) the total volume for the month is less than recorded on the milk collection reports therefor; and
- (c) the shortage exceeds .25 per cent of the volume recorded,

the processor may submit a claim for payment to the marketing board for that portion of the shortage that exceeds .25 per cent of the volume recorded.

(6) Where,

- (a) a processor verifies the volume of milk in a tank-truck of milk in accordance with clause (2) (d);
- (b) the volume is less than recorded on the milk collection report therefor; and
- (c) the shortage exceeds .50 per cent of the volume recorded,

the processor may submit a claim for payment to the marketing board for that portion of the shortage that exceeds .50 per cent of the volume recorded.

(7) No claim shall be made,

- (a) under subsection (4) in respect of a tank-truck of milk included in a claim under subsection (3);
- (b) under subsection (6) in respect of a tank-truck of milk included in a claim under subsection (5); or
- (c) under subsection (3), (4), (5) or (6) where the total volume of milk in all tank-trucks of

milk received by a processor in any month exceeds the volume recorded on the milk collection reports therefor.

(8) Where,

- (a) a processor verifies the volume of milk in accordance with clause (2) (c),
- (b) the total volume for the month is less than recorded on the milk collection reports therefor; and
- (c) the shortage exceeds .25 per cent of the volume recorded,

the processor shall furnish the marketing board with particulars in writing of the shortage and the name of the transporter. O. Reg. 189/78, s. 23.

24.—(1) For the purposes of a claim under subsection 23 (3), (4), (5) or (6), the volume of milk received by a processor shall be verified,

- (a) by weighing the tank-truck of milk on a platform-type weighing machine,
 - (i) inspected, verified and stamped under the *Weights and Measures Act* (Canada),
 - (ii) capable of weighing the gross weight, including all axles of the tank-truck, and
 - (iii) so located that the tare weight may be measured without moving the tank-truck; or
- (b) by weighing the tank-truck of milk by means of a weighing machine,
 - (i) inspected, verified and stamped under the *Weights and Measures Act* (Canada),
 - (ii) equipped with a tank having a capacity of not less than one-third of the capacity of the tank-truck,

and, where so weighed, the volume of milk shall be calculated by converting the kilograms to litres on the basis that one litre of milk weighs 1.0297 kilograms at 4 degrees C; or

- (c) by measuring the volume in litres of the milk in the tank-truck by means of a measuring machine equipped with a meter and a meter installation and inspected, verified and stamped under the *Weights and Measures Act* (Canada).

(2) Where the volume of milk is verified under subsection (1) at a place other than at the plant of the processor, the processor shall pay,

- (a) any weighing or measuring charges; and
- (b) where extra travelling distance is required in transporting the milk for that purpose, any charges therefor in respect of each tank-truck if the extra distance travelled for the tank truck exceeds thirty-two kilometres in any month, calculated in accordance with the rates contained in Schedule 2 of the order of the marketing board appointing the transporter of the milk as its agent.

(3) Where the volume of a tank-truck of milk is being verified under subsection (1), the operator of the tank-truck,

- (a) shall be present during the verification; and
- (b) shall sign the weigh-slip or meter slip, as the case may be. O. Reg. 189/78, s. 24.

25.—(1) A claim under subsection 23 (3), (4), (5) or (6),

- (a) shall be made in a form provided therefor by the marketing board; and
- (b) shall be forwarded to the marketing board not later than the fifteenth day of the month next following the month in respect of which the claim is made.

(2) Where a claim under subsection 23 (3), (4), (5) or (6) is approved by the marketing board, the amount payable in respect thereof shall be determined at the price determined under section 16 for Class 5 milk. O. Reg. 189/78, s. 25.

26.—(1) A processor, for any purpose other than to establish a claim,

- (a) may from time to time verify the volume of milk received by him by weighing any tank-truck of milk on a weighing machine inspected, verified and stamped under the *Weights and Measures Act* (Canada) and converting the kilograms to litres on the basis that one litre of milk weighs 1.0297 kilograms at 4 degrees C; and

- (b) shall pay,

- (i) any weighing charges; and

- (ii) where extra travelling distance is required in transporting the milk for the purpose of weighing, any charges therefor in respect of each tank-truck if the extra distance travelled for the tank-truck exceeds thirty-two kilometres in any month, calculated in accordance with the rates contained in Schedule 2 of the order of the marketing board appointing

ing the transporter of the milk as its agent.

(2) Where,

- (a) on weighing under subsection (1) of two consecutive tank-trucks of milk in respect of a route of a transporter, the total volume of the milk is less than recorded on the milk collection reports; and
- (b) the shortage exceeds .35 per cent of the volume recorded,

the processor may furnish the marketing board with particulars in writing of the shortage and the name of the transporter.

(3) On receipt of particulars under subsection (2), a fieldman of the marketing board shall,

- (a) on two consecutive collections accompany the operator of the tank-truck on the route referred to in clause (2) (a);
- (b) ensure that the operator records accurate readings of the volume of milk in the farm bulk tank of every producer on the route; and
- (c) cause each tank-truck of milk to be weighed at no cost to the processor on a weighing machine inspected, verified and stamped under the *Weights and Measures Act* (Canada) and convert the kilograms to litres on the basis that one litre of milk weighs 1.0297 kilograms at 4 degrees C.

(4) Where,

- (a) the total volume of the milk determined under clause (3) (c) is less than recorded on the milk collection reports for the tank-trucks; and
- (b) the shortage exceeds .35 per cent of the volume recorded,

a fieldman of the marketing board shall ensure that the calibration of the farm bulk tank of every producer on the route complies with the provisions of Regulation 629 of Revised Regulations of Ontario, 1980. O. Reg. 189/78, s. 26.

GENERAL

27. Where the observance, performance or carrying out of any provision of this Regulation is prevented in whole or in part by an act of God, adverse weather, fire, strike, lock-out, invasion or order of a civil or military authority, a failure by the marketing board or a processor, as the case may be, to observe, perform or carry out the provision by reason of such prevention shall not be deemed to be a contravention of this Regulation. O. Reg. 189/78, s. 27.

28. The marketing board,

- (a) shall cease to supply milk to a processor who is not the holder of a licence under Regulation 629 of Revised Regulations of Ontario, 1980; or
- (b) may cease to supply milk to a processor who,
 - (i) fails to pay the marketing board at the times and in the manner prescribed by subsection 21 (1) the amounts payable for milk supplied to him,
 - (ii) fails to forward to the marketing board the copy of the milk collection report referred to in clause 18 (a) or the copy of the milk collection summary referred to in clause 18 (b) at the time and in the manner prescribed by section 18, or
 - (iii) fails to make and sign the milk utilization report referred to in clause 19 (1) (a) or to mail the said utilization report to the marketing board at the times and in the manner prescribed by clause 19 (1) (b). O. Reg. 189/78, s. 28.

REGULATION 621

under the Milk Act

GRADE A MILK—PRODUCERS

INTERPRETATION

1. In this Regulation,

- (a) "marketing board" means The Ontario Milk Marketing Board;
- (b) "pool" means a pool conducted by the marketing board in respect of the producers in the area for which the pool is conducted;
- (c) "producer" means a producer of milk to whom a quota for the marketing of grade A milk has been fixed and allotted by the marketing board, but does not include a producer whose quota has been cancelled by the marketing board;
- (d) "quota" means a quota in litres fixed and allotted to a producer by the marketing board for the sale of grade A milk to the marketing board. R.R.O. 1970, Reg. 592, s. 1; O. Reg. 191/78, s. 1.

APPLICATION OF REGULATION

2. This Regulation provides for the control and regulation in any or all respects of the marketing within Ontario of milk, including the prohibition of such marketing in whole or in part. R.R.O. 1970, Reg. 592, s. 2.

PRODUCERS

3.—(1) Every producer shall offer to sell and sell the milk produced by him to the marketing board.

(2) No producer shall offer to sell or sell the milk produced by him to any person other than the marketing board.

(3) No person other than the marketing board shall buy milk from a producer. R.R.O. 1970, Reg. 592, s. 3.

QUOTAS

4. All Grade A milk bought by the marketing board from a producer shall be sold by the producer and bought by the marketing board on a quota basis. O. Reg. 599/72, s. 1.

5. The marketing board shall not buy milk from any producer,

- (a) to whom a quota has not been fixed and allotted by the marketing board; or
- (b) whose quota has been cancelled by the marketing board. R.R.O. 1970, Reg. 592, s. 5.

POOLS

6.—(1) The marketing board shall conduct the following pools for the distribution of all moneys received from the sale of the milk of the producers in a pool:

1. Northern Ontario Pool, comprising the territorial districts of Algoma, Cochrane, Manitoulin, Nipissing, Parry Sound, Sudbury and Timiskaming.
2. Northwestern Ontario Pool, comprising the territorial districts of Kenora and Rainy River.
3. Thunder Bay Pool, comprising the Territorial District of Thunder Bay.
4. Southern Ontario Pool, comprising those parts of Ontario not mentioned in paragraphs 1, 2 or 3. O. Reg. 443/72, s. 1.

(2) The marketing board, after deducting all necessary and proper disbursements and expenses, shall distribute the remainder of the moneys received from the sale of milk in a pool in such manner that every producer in the pool receives a share of the remainder of the moneys received from the sale in relation to the amount and grade of the milk delivered by him.

(3) A producer shall be deemed to be in the pool conducted for the area in which his place of production is located unless he is assigned by the marketing board to another pool. R.R.O. 1970, Reg. 592, s. 6 (2, 3).

TRANSPORTATION

7.—(1) The milk of producers shall be transported by persons appointed by the marketing board as its agents for that purpose.

(2) No person shall transport milk produced by a producer other than a person appointed by the marketing board as its agent for that purpose. R.R.O. 1970, Reg. 592, s. 7.

REGULATION 622

under the Milk Act

GRADES, DESIGNATIONS, CLASSES AND LABELLING

GRADES

1. Milk that,

- (a) grades 1 on a plate loop test; and
- (b) is produced from animals on premises and with equipment that complies with sections 2 to 33 of Regulation 629 of Revised Regulations of Ontario, 1980,

is designated,

- (c) in the case of milk used for processing into fluid milk products, as grade A milk; or
- (d) in the case of milk used for processing into milk products other than fluid milk products, as industrial milk. O. Reg. 1128/80, s. 1.

FLUID MILK PRODUCTS

2. The products defined in section 3 are designated as fluid milk products. O. Reg. 1128/80, s. 2.

3. In this Regulation,

- (a) "buttermilk" means grade A milk from which a portion of the milk-fat is removed and that,
 - (i) is prepared by adding a bacterial culture to milk, partly-skimmed milk or skim-milk,
 - (ii) exhibits a developed acidity in excess of that found in the milk product to which the bacterial culture has been added,
 - (iii) may contain added salt and stabilizers, and
 - (iv) contains not more than 3.25 per cent milk-fat;
- (b) "cream" means grade A milk that contains not less than 10 per cent milk-fat and to which may be added,
 - (i) a pH adjusting agent, and
 - (ii) a stabilizing agent;

(c) "flavoured milk" means grade A milk that contains not less than 3 per cent milk-fat and to which flavouring, salt, stabilizing agents and sweetening agents may be added;

(d) "flavoured partly-skimmed milk" means grade A milk that contains not less than 1.8 per cent nor more than 2.2 per cent milk-fat and to which flavouring, salt, stabilizing agents and sweetening agents may be added;

(e) "flavoured skim-milk" means grade A milk that contains not more than .3 per cent milk-fat and not less than 8 per cent milk solids other than milk-fat and to which flavouring, salt, stabilizing agents and sweetening agents may be added;

(f) "milk" means grade A milk that contains not less than 3.25 per cent milk-fat and not less than 8.25 per cent milk solids other than milk-fat;

(g) "partly-skimmed milk" means grade A milk that contains not less than 1.8 per cent nor more than 2.2 per cent milk-fat and not less than 8.25 per cent milk solids other than milk-fat;

(h) "skim-milk" means grade A milk that contains not more than .3 per cent milk-fat and not less than 8.5 per cent milk solids other than milk-fat;

(i) "table cream" means cream that contains not less than 16 per cent nor more than 31.9 per cent milk-fat;

(j) "whipping cream" means cream that contains 32 per cent or more of milk-fat. O. Reg. 1128/80, s. 3.

4. "Fluid milk products with added milk solids" means fluid milk products that contain either or both of the following milk products made from grade A milk:

1. Canada grade 1 skim-milk powder.
2. Evaporated or concentrated skim-milk.

5. Sterile or sterilized milk products are fluid milk products that have been treated by heating without appreciable change in volume to a temperature of not less than 135°C for not less than two seconds or to such

other temperature-time relationship as may be required to ensure a bacteriological shelf-life of at least four weeks in the package at a temperature of not less than 20°C. O. Reg. 1128/80, s. 5.

MILK PRODUCTS

6. The products defined as milk products in the regulations made under the *Farm Products Grades and Sales Act* are designated as milk products for the purposes of this Regulations. O. Reg. 1128/80, s. 6.

ADDITIVES

7.—(1) No person shall add to a fluid milk product any substance other than a substance mentioned in section 3.

(2) Notwithstanding subsection (1),

- (a) vitamin A may be added to partly-skimmed milk and skim-milk;
- (b) vitamin D may be added to milk, partly-skimmed milk and skim-milk; and
- (c) bacterial cultures may be added to skim-milk, partly-skimmed milk and milk following pasteurization to produce acidophilus dairy products that do not contain a developed acidity due to the addition of the bacterial culture. O. Reg. 1128/80, s. 7.

SIZE OF CONTAINERS

8.—(1) A container used for a fluid milk product for retail sale shall be in one of the following sizes only:

- 1. Eight fluid ounces.
- 2. Half pint.
- 3. Pint.
- 4. Quart or multiple thereof.
- 5. 250 millilitres.
- 6. 500 millilitres.
- 7. One litre.
- 8. Two litres.
- 9. Four litres or larger in gradations of one litre.

(2) Subsection (1) does not apply to a container that is less than,

- (a) 60 millilitres; or
- (b) one-quarter pint, in size.

(3) In addition to the sizes mentioned in subsection (1), sterilized canned cream may be sold in a container of 170 millilitres. O. Reg. 1128/80, s. 8.

LABELLING

9.—(1) Every container used for the sale or distribution of a fluid milk product shall,

- (a) have a label imprinted on the container, affixed to the container or imprinted on the cap of the container stating in prominent lettering of uniform size and style, at least one-half the height of the lettering used for the common name, the designated name of the fluid milk product contained therein and, in the case of a flavoured fluid milk product or one to which either or both of Canada Grade 1 skim-milk powder and evaporated or condensed skim-milk has been added, the name of the flavour and the words "with added milk solids" where applicable; and
- (b) display on the principal display panel in a legible manner,
 - (i) the percentage of milk-fat using the words "milk-fat" or the abbreviation "M.F." or "B.F.",
 - (ii) the processor's name and head office address and a marking or number sufficient to identify the processing plant,
 - (iii) the date before which the product is of best quality,
 - (iv) on all packages of sterile or sterilized fluid milk products, the word "sterile" or "sterilized" in prominent lettering at least one-half the height of the lettering used for the designated name of the fluid milk product contained therein, immediately preceding, above or below the designated name,
 - (v) the word "Refrigerate" on all packages of pasteurized fluid milk products other than sterile or sterilized fluid milk products,
 - (vi) the words "Refrigerate After Opening" on all packages of sterile or sterilized fluid milk products, and
 - (vii) the words "Goats' Milk" where the source of the fluid milk product is goats' milk.

(2) No distributor shall sell or distribute a fluid milk product in a container that does not comply with the requirements of subsection (1).

(3) No distributor shall sell or distribute in a container any product other than the fluid milk product stated on the label of the container. O. Reg. 1128/80, s. 9.

TESTING STERILE OR STERILIZED
FLUID MILK PRODUCTS

10.—(1) Samples of each batch of sterile or sterilized fluid milk product shall be tested by the processor by the standard plate count method or by such other method as may be approved by the Director.

(2) No person shall sell or distribute a sterile or sterilized fluid milk product other than a fluid milk product that is free of living organisms when held for seven days at a minimum temperature of 32°C.

(3) Every processor shall keep records showing,

- (a) the date of each test;
- (b) batch identification and quantity;
- (c) the name of the fluid milk product;
- (d) the standard plate count where applicable;
- (e) the disposition of the batch; and
- (f) the name and signature of the person responsible for such records. O. Reg. 1128/80, s. 10.

11. The following classes of milk are established:

- 1. Class 1 milk.
- 2. Class 2 milk.
- 3. Class 3 milk.
- 4. Class 4 milk.
- 5. Class 4a milk.
- 6. Class 4b milk.
- 7. Class 4c milk.
- 8. Class 5 milk.
- 9. Class 5a milk.
- 10. Class 6 milk. O. Reg. 1128/80, s. 11.

12.—(1) The amount in litres of grade A milk that is equal to,

- (a) the volume of sales in litres by a processor of,
 - (i) milk,
 - (ii) partly-skimmed milk, and

(iii) buttermilk and skim-milk, except buttermilk or skim-milk processed for the purpose of bulk sale and not for resale as a fluid milk product;

(b) 90 per cent of the volume of sales in litres by a processor of,

- (i) flavoured milk,
- (ii) flavoured partly-skimmed milk,
- (iii) flavoured skim-milk; and

(c) shrinkage in excess of 2 per cent of the amount in litres of grade A milk that a processor of fluid milk products buys from The Ontario Milk Marketing Board,

is Class 1 milk.

(2) The amount in litres of milk, partly-skimmed milk, skim-milk or cream that is processed and used as concentrated liquid flavoured milk, concentrated liquid milk, concentrated liquid partly-skimmed milk or concentrated liquid skim-milk is Class 2 milk.

(3) The amount in litres of milk, partly-skimmed milk, skim-milk or cream that is used in the processing of,

- (a) cottage cheese;
- (b) cream;
- (c) egg nog;
- (d) sour cream;
- (e) table cream;
- (f) whipping cream; and
- (g) yogurt,

including,

- (h) bulk sales of milk, partly-skimmed milk, skim-milk or cream for use in a milk product or any other product not referred to herein; and
- (i) in the case of a processor of fluid milk products, its inventory of grade A milk and fluid milk products,

is Class 3 milk.

(4) The amount in litres of milk, partly-skimmed milk, skim-milk or cream that is used in the processing of,

- (a) cheesecake;
- (b) confectionery products;

- (c) foods for convalescents;
- (d) foods used in geriatrics;
- (e) ice cream;
- (f) ice cream mix;
- (g) ice milk;
- (h) ice milk mix;
- (i) malted milk;
- (j) malted milk powder;
- (k) milk shake mix;
- (l) puddings;
- (m) sherbet;
- (n) sherbet mix;
- (o) soups; and
- (p) infant foods,

is class 4 milk.

(5) The amount in litres of milk, partly-skimmed milk, skim-milk or cream that is used in the processing of specialty cheese is Class 4a milk.

(6) The amount in litres of milk, partly-skimmed milk, skim-milk or cream that is used in the processing of colby cheese or colby-type brick cheese is Class 4b milk.

(7) The amount in litres of milk, partly-skimmed milk, skim-milk or cream that is used in the processing of sterilized fluid milk products for export outside Canada is Class 4c milk.

(8) The amount in litres of milk, partly-skimmed milk, skim-milk or cream that is used in the processing of,

- (a) butter;
- (b) casein;
- (c) condensed milk;
- (d) dry milk;
- (e) evaporated milk;
- (f) evaporated partly-skimmed milk;
- (g) evaporated skim-milk;
- (h) low-fat dairy spread;

- (i) milk albumen;
- (j) milk sugar;
- (k) skim-milk powder;
- (l) sodium caseinate;
- (m) whipped butter;
- (n) whole milk powder; and
- (o) live stock feeds,

including the inventory of milk, partly-skimmed milk, skim-milk or cream at any plant other than a dairy and shrinkage not in excess of 2 per cent of the amount in litres of grade A milk that a processor of fluid milk products buys from The Ontario Milk Marketing Board, is Class 5 milk.

(9) The amount in litres of milk, partly-skimmed milk, skim-milk or cream that is used in the processing of cheddar cheese is Class 5a milk.

(10) The amount in litres of milk, partly-skimmed milk, skim-milk or cream that is used in the production of new food products is Class 6 milk. O. Reg. 1128/80, s. 12.

13. Notwithstanding subsection 12 (7), where milk, partly-skimmed milk, skim-milk or cream is used in the processing of condensed milk, evaporated milk, evaporated partly-skimmed milk or evaporated skim-milk, with or without the addition of sugar, for use in the processing of ice cream mix, the amount in litres of such milk, partly-skimmed milk, skim-milk or cream that exceeds in any month the monthly percentage used for such purposes by a processor from the amount of Class 5 milk purchased by such processor in the 1972 calendar year is Class 4 milk. O. Reg. 1128/80, s. 13.

14. Notwithstanding subsections 12 (4) and (7), where a processor ceases to supply condensed milk, evaporated milk, evaporated partly-skimmed milk or evaporated skim-milk to another processor for use in the processing of ice cream mix, that portion of the amount of milk, partly-skimmed milk, skim-milk or cream used in processing of condensed milk, evaporated milk, evaporated partly-skimmed milk or evaporated skim-milk in any month by a processor who thereafter supplies such milk products to that other processor for use in the processing of ice cream mix,

- (a) up to the monthly percentage of Class 5 milk that had been used for such purposes in the 1972 calendar year by the processor who ceased to supply such milk products is Class 5 milk; and
- (b) in excess of the monthly percentage referred to in clause (a) is Class 4 milk. O. Reg. 1128/80, s. 14.

REGULATION 623

under the Milk Act

INDUSTRIAL MILK — MARKETING

INTERPRETATION

1. In this Regulation,

- (a) "industrial milk plant" means a cheese factory, concentrated milk plant, creamery or milk receiving station;
- (b) "marketing board" means The Ontario Milk Marketing Board;
- (c) "processor" means the operator of an industrial milk plant;
- (d) "producer" means a producer of milk. O. Reg. 190/78, s. 1.

APPLICATION OF REGULATION

2. This Regulation provides for the control and regulation in any or all respects of the marketing within Ontario of milk, including the prohibition of such marketing in whole or in part. O. Reg. 190/78, s. 2.

PURCHASE AND SALE OF MILK

3. All milk supplied to a processor shall be sold to the processor by the marketing board and bought by the processor from the marketing board on the terms and conditions prescribed in this Regulation. O. Reg. 190/78, s. 3.

4.—(1) Subject to subsection (3), no processor shall,

- (a) buy milk from any person other than the marketing board; or
- (b) sell the milk produced by a producer.

(2) Subject to subsection (3), no person other than the marketing board shall sell milk to a processor.

(3) With the approval in writing of the marketing board, on application therefor, a processor may sell milk to or buy milk from another processor. O. Reg. 190/78, s. 4.

5. No processor shall process, pack or package any milk that has not been sold by the marketing board. O. Reg. 190/78, s. 5.

6.—(1) Every person shall pay to the marketing board the price or prices for all milk sold to him by the marketing board.

(2) The marketing board may recover from any person by suit in a court of competent jurisdiction any price or prices for milk payable to the marketing board. O. Reg. 190/78, s. 6.

SUPPLY OF MILK

7.—(1) The marketing board shall regulate the supply of milk to a processor by,

- (a) assigning producers to or from the processor; or
- (b) diverting milk to or from the processor.

(2) Except as otherwise provided in this Regulation, every processor shall receive all milk supplied to him by the producers assigned to him by the marketing board. O. Reg. 190/78, s. 7.

8. A processor shall endeavour to utilize all the milk supplied by the producers assigned to him by the marketing board. O. Reg. 190/78, s. 8.

9.—(1) Where from time to time the amount of milk supplied to a processor by the producers assigned to him cannot be utilized by the processor, he shall forthwith notify the marketing board respecting the amount of milk that cannot be utilized.

(2) The marketing board shall divert the amount of milk that cannot be utilized by a processor by,

- (a) re-directing such milk to another processor; or
- (b) causing such milk to be removed from the processor's plant,

within thirty-six hours of receipt of a notice under subsection (1).

(3) Subject to subsection (4), where milk that cannot be utilized by a processor is removed from the plant of the processor under clause (2) (b), the processor shall compensate the marketing board for,

- (a) the cost of removing the milk; and
- (b) the losses incurred by the marketing board in disposing of the milk.

(4) Where the marketing board fails to remove milk that cannot be utilized by a processor within thirty-six hours of receipt of a notice under subsection (1), the processor is not liable to compensate

the marketing board under subsection (3). O. Reg. 190/78, s. 9.

10.—(1) Notwithstanding section 9, where from time to time the amount of milk supplied to a processor by the producers assigned to him cannot be utilized by the processor, the processor may, with the approval in writing of the marketing board obtained on application therefor, divert such milk to the plant or plants designated by the marketing board in its approval upon notifying,

(a) the transporters transporting such milk; and

(b) the operator of each plant to which such milk is diverted.

(2) An approval by the marketing board under subsection (1),

(a) shall designate,

(i) the producers whose milk may be diverted, and

(ii) the transporters and operators of plants with whom the processor may arrange for the diversion of such milk;

(b) may be cancelled at any time by the marketing board by notice in writing to the processor not less than forty-eight hours before the cancellation takes effect; and

(c) is issued on the condition that the processor furnishes the marketing board with such information respecting the diversion of milk as the marketing board requires.

(3) Where a processor diverts milk in accordance with this section, the marketing board shall compensate him for his actual expenses in connection therewith. O. Reg. 190/78, s. 10.

DIVERSION OF MILK

11.—(1) Subject to subsection (2), the marketing board may divert milk produced by producers assigned to a processor where the milk is required by the marketing board.

(2) Where milk is to be diverted under subsection (1) for a period in excess of twenty-four hours, the marketing board shall give notice to the processor not less than twenty-four hours before the diversion takes effect. O. Reg. 190/78, s. 11.

ASSIGNMENT OF PRODUCERS

12. The marketing board may assign producers to or from a processor by notice in writing to the processor not less than fifteen days before the assignment takes effect. O. Reg. 190/78, s. 12.

PRICES

13.—(1) All Class 3 milk supplied to a processor shall be sold by the marketing board and bought by the processor for not less than a minimum price of \$31.35 per hectolitre for milk containing 3.6 kilograms of milk-fat per hectolitre. O. Reg. 627/80, s. 1 (1), *part*.

(2) All Class 4 milk supplied to a processor shall be sold by the marketing board and bought by the processor for not less than a minimum price of \$32.11 per hectolitre for milk containing 3.6 kilograms of milk-fat per hectolitre. O. Reg. 1137/80, s. 1 (1).

(3) All Class 4a milk supplied to a processor shall be sold by the marketing board and bought by the processor for not less than a minimum price of \$30.40 per hectolitre for milk containing 3.6 kilograms of milk-fat per hectolitre. O. Reg. 1137/80, s. 1 (2).

(4) All Class 4b milk supplied to a processor shall be sold by the marketing board and bought by the processor for not less than a minimum price of \$29.62 per hectolitre for milk containing 3.6 kilograms of milk-fat per hectolitre. O. Reg. 828/80, s. 1(1).

(5) All Class 5 milk supplied to a processor shall be sold by the marketing board and bought by the processor for not less than a minimum price of \$29.37 per hectolitre for milk containing 3.6 kilograms of milk-fat per hectolitre. O. Reg. 1137/80, s. 1 (3).

(6) All Class 5a milk supplied to a processor shall be sold by the marketing board and bought by the processor for not less than a minimum price of \$28.67 per hectolitre for milk containing 3.6 kilograms of milk-fat per hectolitre. O. Reg. 828/80, s. 1(2).

(7) All Class 6 milk supplied to a processor shall be sold by the marketing board and bought by the processor for not less than a minimum price of \$29.37 per hectolitre for milk containing 3.6 kilograms of milk-fat per hectolitre. O. Reg. 1137/80, s. 1 (4).

(8) The minimum prices that apply under subsections (1), (2), (3), (4), (5), (6) and (7) shall be increased or decreased at the rate of \$0.447 for each 0.10 kilograms of milk-fat above or below 3.6 kilograms of milk-fat in each hectolitre of milk. O. Reg. 627/80, s. 1 (5).

REJECTED MILK

14. Where a tank-truck of milk supplied to a processor is rejected by a milk grader at an industrial milk plant under Regulation 629 of Revised Regulations of Ontario, 1980,

(a) the processor shall notify the marketing board forthwith;

(b) the marketing board and the processor may agree that the processor shall salvage

the milk-fat in the load and, failing such agreement, the marketing board shall cause the rejected milk to be removed from the premises of the processor at no cost to him;

- (c) where an agreement is made under clause (b), the processor shall pay the marketing board for the rejected milk at the price determined under section 13 for Class 5 milk;
- (d) the processor shall notify the marketing board of the salvage value, if any, of the milk-fat in the load; and
- (e) the marketing board shall credit the processor with the difference between the price paid by the processor to the marketing board under clause (c) and the salvage value of the milk-fat referred to in clause (d). O. Reg. 190/78, s. 14.

DELIVERY OF MILK

15.—(1) Milk shall be delivered to a processor on the days and at the times agreed upon by the marketing board and the processor.

(2) Every processor shall,

- (a) provide space and facilities for the unloading of milk;
- (b) unload the milk,
 - (i) within two hours of the time of arrival at the plant where the arrival is at a time agreed upon under subsection (1), or
 - (ii) within such additional time as may be required where an emergency exists at the plant by reason of a processing breakdown;
- (c) receive from the operator of the tank-truck the original and first copy of the milk collection report made and signed by the operator;
- (d) acknowledge receipt of the milk by signing the original and the second copy of such milk collection report; and
- (e) make and sign a milk collection summary in the form provided by the marketing board. O. Reg. 190/78, s. 15.

REPORTS

16. Where a processor receives milk on any day, he shall, on the next following day that is not a Saturday or a holiday, forward to the marketing board by prepaid first class mail,

- (a) the original of the milk collection report referred to in clause (c); and
- (b) one copy of the milk collection summary referred to in clause (e),

of subsection 15 (2). O. Reg. 190/78, s. 16.

17.—(1) Every processor shall, in respect of each month,

- (a) make and sign a milk utilization report in the form provided by the marketing board; and
- (b) mail such milk utilization report to the marketing board by prepaid first class mail before the sixth day of the next following month or, where a holiday falls within that six-day period, before the seventh day of that month.

(2) Subject to subsection (3), where a processor fails to comply with subsection (1) in respect of any month,

- (a) all milk supplied to the processor in the month shall be deemed to have been utilized by the processor as Class 3 milk; and
- (b) the processor shall pay the marketing board for the milk at the price determined under section 13 for Class 3 milk.

(3) Upon receipt of the milk utilization report mentioned in subsection (1), the marketing board shall adjust the amount determined under clause (2) (b) in accordance with the utilization of the milk as shown on such report. O. Reg. 190/78, s. 17.

PERSONNEL

18. For the purposes of sections 9, 10 and 14, the marketing board shall have personnel available on every day except Sunday as follows:

- 1. Monday to Friday, both inclusive, from 9 a.m. until 5 p.m.
- 2. Saturday and a statutory holiday, from 9 a.m. until 4 p.m. O. Reg. 190/78, s. 18.

PAYMENT FOR MILK

19.—(1) The marketing board shall, in respect of each month,

- (a) prepare a statement of the milk supplied to the processor in the month that determines the amount that the processor shall pay to the marketing board for milk supplied to him in the month; and

- (b) mail such statement to the processor by prepaid first class mail not later than the fifteenth day of the next following month.

(2) The statement mentioned in subsection (1) shall be accompanied by a further statement containing,

- (a) a list of all truck loads of milk received by the processor in the month;
- (b) the volume of milk in each truck load; and
- (c) the milk-fat content of the milk in each truck load. O. Reg. 190/78, s. 19.

20.—(1) Every processor shall pay to the marketing board the amount payable for milk supplied to the processor in any month as follows:

1. A payment on account at the rate of \$19.09 per hectolitre, not later than the fourteenth day of the next following month or, where a holiday falls within the first twelve days of that month, not later than the fifteenth day of that month.
2. The balance of the amount payable not later than the twenty-first day of the next following month. O. Reg. 190/78, s. 20 (1); O. Reg. 279/78, s. 2; O. Reg. 415/78, s. 2; O. Reg. 1000/78, s. 2; O. Reg. 198/79, s. 2; O. Reg. 576/79, s. 2; O. Reg. 626/79, s. 2; O. Reg. 957/79, s. 2; O. Reg. 247/80, s. 2; O. Reg. 627/80, s. 2; O. Reg. 1137/80, s. 2.

(2) Every payment made to the marketing board under subsection (1) shall be identified with the plant of the processor in respect of which it is made. O. Reg. 190/78, s. 20 (2).

21.—(1) For the purposes of this Regulation, milk shall be tested for milk-fat content by an Infra Red Milk Analyzer at a laboratory approved by The Milk Commission of Ontario in accordance with Regulation 629 of Revised Regulations of Ontario, 1980.

(2) Where a load of milk is received by a processor,

- (a) from producers assigned to him; or
- (b) from producers whose milk was diverted to him,

the weighted average of the milk-fat content of the milk of the producers thereof for the test period established for such producers under Regulation 629 of Revised Regulations of Ontario, 1980 in which the load was received shall be the milk-fat content of the milk in the load.

(3) Where a processor receives milk that is diverted by another processor who cannot identify the producers of such milk, the milk-fat content of the milk shall be agreed upon by such processors and shall be recorded on the milk collection report that accompanies the tank-truck of diverted milk

and, failing such agreement, the weighted average of the milk-fat content of the milk of the producers assigned to the diverting processor as determined by the marketing board shall be the milk-fat content of the diverted milk. O. Reg. 190/78, s. 21.

VERIFICATION OF MILK VOLUMES

22.—(1) For the purposes of determining the amount payable by a processor for milk supplied to him in any month, the processor shall accept as the volume of milk in each tank-truck received by him the volume recorded in the milk collection report of the operator of the tank-truck.

(2) Notwithstanding subsection (1), a processor may verify the volume of milk received by him,

- (a) during any month by weighing every tank-truck of milk received by him in that month in respect of a transport route of a transporter in accordance with clause 23 (1) (a) or (b);
- (b) by weighing from time to time any tank-truck of milk received by him in accordance with clause 23 (1) (a) or (b);
- (c) during any month by measuring the volume in litres of the milk in every tank-truck of milk received by him in that month in respect of a transport route of a transporter in accordance with clause 23 (1) (c); or
- (d) by measuring from time to time the volume in litres of milk in any tank-truck in accordance with clause 23 (1) (c).

(3) Where,

- (a) a processor verifies the volume of milk in accordance with clause (2) (a);
- (b) the total volume for the month is less than recorded on the milk collection reports therefor; and
- (c) the shortage exceeds .35 per cent of the volume recorded,

the processor may submit a claim for payment to the marketing board for that portion of the shortage that exceeds .35 per cent of the volume recorded.

(4) Where,

- (a) a processor verifies the volume of milk in a tank-truck in accordance with clause (2) (b);
- (b) the volume is less than recorded on the milk collection report therefor; and

- (c) the shortage exceeds .70 per cent of the volume recorded,

the processor may submit a claim for payment to the marketing board for that portion of the shortage that exceeds .70 per cent of the volume recorded.

(5) Where,

- (a) a processor verifies the volume of milk in accordance with clause (2) (c);
- (b) the total volume for the month is less than recorded on the milk collection reports therefor; and
- (c) the shortage exceeds .25 per cent of the volume recorded,

the processor may submit a claim for payment to the marketing board for that portion of the shortage that exceeds .25 per cent of the volume recorded.

(6) Where,

- (a) a processor verifies the volume of milk in a tank-truck in accordance with clause (2) (d);
- (b) the volume is less than recorded on the milk collection reports therefor; and
- (c) the shortage exceeds .50 per cent of the volume recorded,

the processor may submit a claim for payment to the marketing board for that portion of the shortage that exceeds .50 per cent of the volume recorded.

(7) Where,

- (a) a processor is informed by a transporter that milk has been spilled by the transporter; and
- (b) the processor is furnished by the transporter with particulars in writing of the milk made available or delivered by the producers to the transporter,

the processor shall ensure that the amount of milk made available or delivered by the producers to the transporter is entered on the milk collection report and may submit a claim for payment to the marketing board for the amount of milk that was spilled by the transporter.

(8) No claim shall be made,

- (a) under subsection (4) in respect of a tank-truck of milk included in a claim under subsection (3);

- (b) under subsection (6) in respect of a tank-truck of milk included in a claim under subsection (5);

- (c) under subsection (3), (4), (5) or (6) where the total volume of all tank-trucks of milk received by a processor in any month exceeds the volume recorded on the milk collection reports therefor; or

- (d) under subsection (3), (4), (5) or (6), in respect of milk for which a claim was made under subsection (7).

(9) Where,

- (a) a processor verifies the volume of milk in accordance with clause (2) (c);
- (b) the total volume for the month is less than recorded on the milk collection reports therefor; and
- (c) the shortage exceeds .25 per cent of the volume recorded,

the processor shall furnish the marketing board with particulars in writing of the shortage and the name of the transporter. O. Reg. 190/78, s. 22.

23.—(1) For the purposes of a claim under subsection 22 (3), (4), (5) or (6), the volume of milk received by a processor shall be verified,

- (a) by weighing the tank-truck of milk on a platform-type weighing machine,

- (i) inspected, verified and stamped under the *Weights and Measures Act* (Canada),

- (ii) capable of weighing the gross weight, including all axles of the tank-truck, and

- (iii) so located that the tare weight may be measured without moving the tank-truck; or

- (b) by weighing the tank-truck of milk by means of a weighing machine,

- (i) inspected, verified and stamped under the *Weights and Measures Act* (Canada), and

- (ii) equipped with a tank having a capacity of not less than one-third of the capacity of the tank-truck,

and, where so weighed, the volume of milk shall be calculated by converting the kilograms to litres on the basis that one litre of milk weighs 1.0297 kilograms at 4 degrees C; or

- (c) by measuring the volume in litres of the milk in the tank-truck by means of a measuring machine equipped with a meter and a meter installation and inspected, verified and stamped under the *Weights and Measures Act* (Canada).

(2) Where the volume of milk is verified under subsection (1) at a place other than at the plant of the processor, the processor shall pay,

- (a) any weighing or measuring charges; and
- (b) where extra travelling distance is required in transporting the milk for that purpose, any charges therefor in respect of each tank-truck if the extra distance travelled for the tank-truck exceeds 32 kilometres in any month, calculated in accordance with the rates contained in Schedule 2 of the order of the marketing board appointing the transporter of the milk as its agent.

(3) Where the volume of a tank-truck of milk is being verified under subsection (1), the operator of the tank-truck,

- (a) shall be present during the verification; and
- (b) shall sign the weigh-slip or meter-slip, as the case may be. O. Reg. 190/78, s. 23.

24.—(1) A claim under subsection 22 (3), (4), (5), (6) or (7),

- (a) shall be made in writing to the marketing board; and
- (b) shall be forwarded to the marketing board not later than the 15th day of the month next following the month in respect of which the claim is made.

(2) Where a claim under subsection 22 (3), (4), (5), (6) or (7) is approved by the marketing board, the amount payable in respect thereof shall be determined at the price determined for the class of milk to which the lowest price applies under section 13. O. Reg. 190/78, s. 24.

25.—(1) A processor, for any purpose other than to establish a claim,

- (a) may from time to time verify the volume of milk received by him by weighing any tank-truck of milk on a weighing machine inspected, verified and stamped under the *Weights and Measures Act* (Canada) and converting the kilograms to litres on the basis that one litre of milk weighs 1.0297 kilograms at 4 degrees C; and

- (b) shall pay,

- (i) any weighing charges, and

- (ii) where extra distance is required in transporting the milk for the purpose of weighing, any charges therefor in respect of each tank-truck if the extra distance travelled for the tank-truck exceeds 32 kilometres in any month, calculated in accordance with the rates contained in Schedule 2 of the order of the marketing board appointing the transporter of the milk as its agent.

(2) Where,

- (a) on measuring the volume under subsection (1) of two consecutive tank-trucks of milk in respect of a route of a transporter, the total volume of the milk is less than recorded on the milk collection reports; and

- (b) the shortage exceeds .35 per cent of the volume recorded,

the processor may furnish the marketing board with particulars in writing of the shortage and the name of the transporter.

(3) On receipt of particulars under subsection (2), a fieldman of the marketing board shall,

- (a) on two consecutive collections accompany the operator of the tank-truck on the route referred to in clause (2) (a);
- (b) ensure that the operator records accurate readings of the volume of milk in the farm bulk tank of every producer on the route; and
- (c) cause each tank-truck of milk to be weighed at no cost to the processor on a weighing machine inspected, verified and stamped under the *Weights and Measures Act* (Canada) and converting the kilograms to litres on the basis that one litre of milk weighs 1.0297 kilograms at 4 degrees C.

(4) Where,

- (a) the total volume of the milk determined under clause (3) (c) is less than recorded on the milk collection reports for the tank-trucks; and
- (b) the shortage exceeds .35 per cent of the volume recorded,

a fieldman of the marketing board shall ensure that the calibration of the farm bulk tank of every producer on the route complies with the provisions of Regulation 629 of Revised Regulations of Ontario, 1980. O. Reg. 190/78, s. 25.

GENERAL

26. Where the observance, performance or carrying out of any provision of this Regulation is prevented in whole or in part by an act of God, adverse weather, fire, strike, lock-out, invasion or order of a civil or military authority, a failure by the marketing board or a processor, as the case may be, to observe, perform or carry out the provision by reason of such prevention shall not be deemed to be a contravention of this Regulation. O. Reg. 190/78, s. 26.

27. The marketing board,

- (a) shall cease to supply milk to a processor who is not the holder of a licence under Regulation 629 of Revised Regulations of Ontario, 1980; or
- (b) may cease to supply milk to a processor who,

- (i) fails to pay the marketing board at the times and in the manner prescribed by subsection 20 (1) the amounts payable for milk supplied to him,
- (ii) fails to forward to the marketing board the copy of the milk collection report referred to in clauses 16 (a) and (b) or the copy of the milk collection summary referred to in clause 16 (c) at the time and in the manner prescribed by section 16, or
- (iii) fails to make and sign the milk utilization report referred to in clause 17 (1) (a) or to mail the said milk utilization report to the marketing board at the times and in the manner prescribed by clause 17 (1) (b). O. Reg. 190/78, s. 27.

REGULATION 624

under the Milk Act

MARKETING BOARDS

1. Within twenty days after the date of the election of members to a marketing board, it is directed to file with the Commission,

- (a) the names and addresses of the members elected to the marketing board and the district from which each member was elected;
- (b) the names of the chairman and the vice-chairman;
- (c) the location and postal address of the head office of the marketing board; and
- (d) the names and addresses of the secretary and treasurer. R.R.O. 1970, Reg. 594, s. 2.

2. Where a vacancy occurs on a marketing board by reason of resignation or death of a member, the marketing board shall report to the Commission the vacancy within ten days of the occurrence of the vacancy. R.R.O. 1970, Reg. 594, s. 3.

3. Each marketing board shall file with the Commission a true copy of the minutes of a meeting of the marketing board within seven days of the approval of the minutes by the marketing board. O. Reg. 1020/80, s. 2.

4. Where a marketing board receives a copy of any agreement or award filed with the Commission under subsection 8 (2) of the Act, the marketing board shall file with its secretary the copy of the agreement or award. R.R.O. 1970, Reg. 594, s. 5.

5. Each marketing board shall cause to be filed with the Commission true copies of all by-laws and regulations of the marketing board within seven days after the making of each by-law or regulation. O. Reg. 1020/80, s. 3.

6. Each marketing board shall forward to the Commission a certified copy of its annual financial statement, together with the report of the auditor or auditors after the statement and report are filed with the marketing board. O. Reg. 1020/80, s. 5.

7. The annual financial statement of a marketing board shall include the amount of each grant or other like payment of money made by the marketing board to any person or association or body of persons during the fiscal year and the name of the person or association or body of persons to whom the grant or other like payment of money was made. R.R.O. 1970, Reg. 594, s. 9.

8. Where a marketing board makes a general report of its operations for a fiscal year, the marketing board shall forward a copy of the report to the Commission. O. Reg. 1020/80, s. 6.

REGULATION 625

under the Milk Act

MILK—MARKETING

INTERPRETATION

1. In this Regulation,

- (a) “marketing board” means The Ontario Milk Marketing Board;
- (b) “plan” means The Ontario Milk Marketing Plan;
- (c) “producer” means a producer of milk. R.R.O. 1970, Reg. 595, s. 1.

APPLICATION OF REGULATION

2. This Regulation provides for the control and regulation in any or all respects of the marketing within Ontario of milk, including the prohibition of such marketing in whole or in part. R.R.O. 1970, Reg. 595, s. 2.

EXEMPTIONS

3. The Commission exempts from this Regulation,

- (a) milk consumed on the farm on which the milk is produced and not sold; and
- (b) cream separated from milk on the farm on which the milk is produced and the cream is sold for manufacture into butter. R.R.O. 1970, Reg. 595, s. 3.

DELEGATION OF POWERS TO MARKETING BOARD

4. The Commission delegates to the marketing board the power,

- (a) to require persons engaged in producing or marketing milk to register their names, addresses and occupations with the marketing board;
- (b) to require persons engaged in producing or marketing milk to furnish such information relating to the production or marketing of milk as the marketing board determines;
- (c) to stimulate, increase and improve the marketing of milk by such means as the marketing board considers proper; and
- (d) to co-operate with a marketing board or a marketing agency of Canada or of any province of Canada for the purpose of marketing milk. R.R.O. 1970, Reg. 595, s. 4.

5. The Commission delegates to the marketing board its powers to make regulations with respect to milk,

- (a) providing for the licensing of any or all persons before commencing or continuing to engage in the producing or marketing of milk;
- (b) prohibiting persons from engaging in the producing or marketing of milk except under the authority of a licence;
- (c) providing for the refusal to issue a licence to commence to engage in the producing or marketing of milk where the applicant is not qualified by experience, financial responsibility or equipment to properly engage in the business for which the application was made, or for any other reason that the marketing board considers proper;
- (d) providing for the suspension or revocation of, or the refusal to renew, a licence to continue to engage in the producing or marketing of milk for failure to observe, perform or carry out the provisions of the Act, the regulations, the plan or any order or direction of the marketing board;
- (e) providing for the fixing of licence fees payable yearly, half-yearly, quarterly or monthly at different amounts or in instalments from any or all persons producing or marketing milk, and the collecting of the licence fees and the recovering of such licence fees by suit in any court of competent jurisdiction;
- (f) requiring any person who receives milk from a producer to deduct from the moneys payable to the producer any licence fees payable by the producer to the marketing board and to pay such licence fees to the marketing board;
- (g) requiring any person who produces and processes milk to furnish to the marketing board statements of the amounts of milk that he produced in any year and used for processing;
- (h) prescribing the form of licences;
- (i) providing for the control and regulation of the marketing of milk, including the times and places at which milk may be marketed;
- (j) determining the quantity of each class or grade of milk that shall be marketed by each producer;

- (k) providing for the control and regulation of agreements entered into by producers of milk with persons engaged in marketing or processing milk, and the prohibition of any provision or clause in such agreements;
- (l) providing for the fixing, imposing and collecting of service charges from time to time for the marketing of milk;
- (m) requiring any person who produces milk to offer to sell and to sell the milk to or through the marketing board;
- (n) prohibiting any person from processing, packing or packaging any milk that has not been sold to, by or through the marketing board;
- (o) providing for the making of agreements relating to the marketing of milk by or through the marketing board and prescribing the forms and the terms and conditions of such agreements;
- (p) providing for the making of such orders and the issuing of such directions as are necessary to enforce the due observance and carrying out of the provisions of the Act, the regulations, the plan or any order or direction of the marketing board; and
- (q) providing that milk shall be marketed by, from or through the marketing board, and prohibiting any person from marketing any milk except by, from or through the marketing board. R.R.O. 1970, Reg. 595, s. 5; O. Reg. 590/72, s. 1; O. Reg. 1018/80, s. 1.

AUTHORITY OF MARKETING BOARD

6. The Commission authorizes the marketing board,

- (a) to determine from time to time the price or prices that shall be paid to producers or the marketing board for milk or any class or grade of milk, and to determine different prices for different parts of Ontario;
- (b) to pay from service charges imposed under clause 5 (l) its expenses in carrying out the purposes of the plan;
- (c) to use any class of licence fees and other moneys payable to it for the purposes of paying the expenses of the marketing board, carrying out and enforcing the Act and the regulations and carrying out the purposes of the plan;
- (d) to establish a fund in connection with the plan for the payment of any moneys that may be required for the purposes mentioned in clause (c);

- (e) to prohibit the marketing of any class or grade of milk;
- (f) to require the price or prices of milk to be paid to or through the marketing board, and to recover such price or prices by suit in a court of competent jurisdiction;
- (g) to purchase or otherwise acquire such quantity or quantities of milk as the marketing board deems advisable and to sell or otherwise dispose of such quantity or quantities of the milk so purchased or otherwise acquired;
- (h) to conduct a pool or pools for the distribution of all moneys received from the sale of milk, and requires the marketing board, after deducting all necessary and proper disbursements and expenses, to distribute the remainder of the moneys received from the sale in such manner that every producer receives a share of the remainder of the moneys received from the sale in relation to the amount and grade of the milk delivered by him, and authorizes the marketing board to make an initial payment on delivery of the milk and subsequent payments until all the remainder of the moneys received from the sale is distributed to the producers;
- (i) to require that milk be marketed on a quota basis;
- (j) to prohibit any person to whom a quota has not been fixed and allotted for the marketing of milk or whose quota has been cancelled from marketing any milk;
- (k) to prohibit any person to whom a quota has been fixed and allotted for the marketing of milk from marketing any milk in excess of such quota;
- (l) to fix and allot to persons quotas for the marketing of milk on such basis as the marketing board considers proper;
- (m) to refuse to fix and allot to any person a quota for the marketing of milk for any reason that the marketing board considers proper;
- (n) to cancel or reduce, or refuse to increase, a quota fixed and allotted to any person for the marketing of milk for any reason that the marketing board considers proper;
- (o) to permit any person to whom a quota has been fixed and allotted for the marketing of milk to market any milk in excess of such quota on such terms and conditions as the marketing board considers proper;

- (p) to appoint agents, to prescribe their duties and terms and conditions of employment, and to fix their remuneration and provide for the payment thereof. R.R.O. 1970, Reg. 595, s. 6 (2); O. Reg. 590/72, s. 2; O. Reg. 527/73, s. 1.

ADVISORY COMMITTEE

7.—(1) There shall be an advisory committee to be known as the "Advisory Committee for Milk" that shall be appointed annually by the Commission in the month of December.

(2) The Advisory Committee for Milk shall be composed of,

- (a) a chairman; and
- (b) sixteen members, of whom eight members shall be appointed from persons nominated by the marketing board, and eight members shall be appointed from persons nominated by processors and distributors.

(3) Where the marketing board, or the processors and distributors, as the case may be, fail to nominate a sufficient number of persons in accordance with subsection (2) prior to the 10th day of December in any year, the Commission may appoint such persons as are necessary to complete the Advisory Committee for Milk.

(4) Subject to subsection (5), the members of the Advisory Committee for Milk shall hold office from the 1st day of January to the 31st day of December of the year next following the year in which they are appointed.

(5) Where a member of the Advisory Committee for Milk dies or resigns or is unavailable to act before the expiration of his term of membership, the Commission shall nominate a person for the unexpired term of such member.

(6) The secretary of the Commission shall be the secretary of the Advisory Committee for Milk. R.R.O. 1970, Reg. 595, s. 7.

8. The Advisory Committee for Milk is empowered to advise and make recommendations to the marketing board or to any person or organization represented on the committee in respect of,

- (a) the promotion of harmonious relationships between persons engaged in the producing and marketing of milk;
- (b) the promotion of greater efficiency in the producing and marketing of milk;
- (c) the prevention and correction of irregularities and inequities in the marketing of milk;
- (d) the improvement of the quality of milk;

- (e) the improvement of the circulation of market information respecting milk; and

- (f) without limiting the generality of any of the foregoing, any matter with respect to which the marketing board may be empowered to make regulations under the Act. R.R.O. 1970, Reg. 595, s. 8.

9.—(1) There shall be an advisory committee to be known as the "Advisory Committee on Transportation of Milk" that shall be appointed annually by the Commission in the month of June.

(2) The Advisory Committee on Transportation of Milk shall be composed of,

- (a) a chairman;
- (b) eight members appointed from persons nominated by the marketing board; and
- (c) eight members appointed from persons nominated by transporters, of whom at least one shall be a distributor-transporter, one a processor-transporter, one an officer of a co-operative corporation engaged in the transportation of milk, and one a transporter engaged in the transportation of milk in that part of Ontario comprising the territorial districts other than the districts of Muskoka and Parry Sound.

(3) Where the marketing board or the transporters, as the case may be, fail to nominate a sufficient number of persons in accordance with subsection (2) prior to the 15th day of May in any year, the Commission may appoint such persons as are necessary to complete the Advisory Committee on Transportation of Milk.

(4) Subject to subsection (5), the members of the Advisory Committee on Transportation of Milk shall hold office until the 31st day of May of the year next following the year in which they are appointed.

(5) Where a member of the Advisory Committee on Transportation of Milk dies or resigns or is unavailable to act before the expiration of his term of membership, the Commission shall nominate a person for the unexpired term of such member.

(6) The secretary of the Advisory Committee on Transportation of Milk shall be appointed by the Commission. R.R.O. 1970, Reg. 595, s. 9.

10. The Advisory Committee on Transportation of Milk is empowered to advise and make recommendations to the marketing board or to any person or organization represented on the Committee in respect of,

- (a) the promotion of harmonious relationships between persons engaged in the producing and transporting of milk;

- (b) the promotion of greater efficiency in the producing and transporting of milk;
- (c) the prevention and correction of irregularities and inequities in the transporting of milk;
- (d) the improvement of the quality of milk;
- (e) the improvement of the circulation of market information respecting milk; and
- (f) without limiting the generality of any of the foregoing, any matter with respect to which the marketing board may be empowered to make regulations under the Act. R.R.O. 1970, Reg. 595, s. 10.

11.—(1) There shall be an advisory committee to be known as the "Advisory Committee of Processors" that shall be appointed annually by the Commission in the month of December.

(2) The Advisory Committee of Processors shall be composed of,

- (a) a chairman who shall be a member or officer of the Commission; and
- (b) eight members who shall be appointed from persons nominated by The Ontario Dairy Council and who are engaged in the processing of milk products or fluid milk products in Ontario.

(3) Where The Ontario Dairy Council fails to nominate a sufficient number of persons in accordance with subsection (2) prior to the 10th day of December in any year, the Commission may appoint such persons as are necessary to complete the Advisory Committee of Processors.

(4) Subject to subsection (5), the members of the Advisory Committee of Processors shall hold office from the 1st day of January to the 31st day of December of the year next following the year in which they are appointed.

(5) Where a member of the Advisory Committee of Processors dies or resigns or is unavailable to act before the expiration of his term of membership, the

Commission shall appoint a person for the unexpired term of such member.

(6) The secretary of the Advisory Committee of Processors shall be appointed by the Commission. O. Reg. 358/72, s. 1, *part*.

12. The Advisory Committee of Processors is empowered to advise and make recommendations to the Commission in respect of,

- (a) the promotion of harmonious relationships between persons engaged in the producing and marketing of milk;
- (b) the promotion of greater efficiency in the producing and marketing of milk;
- (c) the prevention and correction of irregularities and inequities in the marketing of milk;
- (d) the improvement of the quality of milk;
- (e) the improvement of the circulation of market information respecting milk; and
- (f) without limiting the generality of any of the foregoing, any matter with respect to which the Commission may be empowered to make regulations under the Act. O. Reg. 358/72, s. 1, *part*.

13. A meeting of,

- (a) the Advisory Committee for Milk;
- (b) the Advisory Committee on Transportation of Milk; or
- (c) the Advisory Committee of Processors,

may be convened at any time by notice in writing given by the chairman or secretary of the committee at least ten days before the date of the meeting, stating the time and place of the meeting, and a meeting of a committee shall be convened by its secretary upon the request in writing of any three members thereof. O. Reg. 358/72, s. 2.

REGULATION 626

under the Milk Act

MILK MARKETING—CLASSES 3, 4, 4a, 4b,
4c, 5, 5a AND 6

1. In this Regulation,

- (a) "marketing board" means The Ontario Milk Marketing Board;
- (b) "producer" means a producer of milk;
- (c) "quota" means a quota in litres of milk fixed and allotted to a producer by the marketing board in relation to the volume of sales by the marketing board of classes 3, 4, 4a, 4b, 4c, 5, 5a and 6 milk. R.R.O. 1970, Reg. 596, s. 1; O. Reg. 192/78, s. 1.

APPLICATION OF REGULATION

2. This Regulation provides for the control and regulation in any or all respects of the marketing within Ontario of milk, including the prohibition of such marketing in whole or in part. R.R.O. 1970, Reg. 596, s. 2.

PRODUCERS

3.—(1) Every producer shall offer to sell and sell the milk produced by him to the marketing board.

(2) No producer shall offer to sell or sell the milk produced by him to any person other than the marketing board.

(3) No person other than the marketing board shall buy milk from a producer. R.R.O. 1970, Reg. 596, s. 3.

QUOTAS

4.—(1) The marketing board may fix and allot to persons quotas for the marketing of milk on such basis as the marketing board considers proper.

(2) The marketing board may refuse to fix and allot to any person a quota for the marketing of milk for any reason that it considers proper.

(3) The marketing board may cancel or reduce or refuse to increase the quota fixed and allotted to any person under subsection (1) for any reason that it considers proper. R.R.O. 1970, Reg. 596, s. 4.

REGULATION 627

under the Milk Act

MILK — TRANSPORTATION

INTERPRETATION

1. In this Regulation,

- (a) "marketing board" means The Ontario Milk Marketing Board;
- (b) "producer" means a producer of milk;
- (c) "transporter" means a person appointed by the marketing board as its agent for the transportation of milk, but does not include a person whose appointment as a transporter is terminated. O. Reg. 193/78, s. 1.

APPLICATION OF REGULATION

2. This Regulation provides for the control and regulation in any or all respects of the marketing within Ontario of milk, including the prohibition of such marketing in whole or in part. O. Reg. 193/78, s. 2.

TRANSPORTATION

3.—(1) Every transporter shall transport milk on the terms and conditions prescribed in this Regulation and in the order of the marketing board appointing him.

(2) No person other than a transporter shall transport milk. O. Reg. 193/78, s. 3.

4.—(1) Subject to subsection (2), a transporter shall transport the milk of the producers assigned to him by the marketing board in its order appointing him.

(2) The marketing board may assign any producer to or from a transporter by notice in writing to the transporter not less than fifteen days before the assignment takes effect. O. Reg. 193/78, s. 4.

5. A transporter shall,

- (a) take delivery of the milk of the producers from time to time assigned to him by the marketing board,
 - (i) on the days prescribed by the marketing board, and
 - (ii) between 8 a.m. and 5 p.m. or at such other time in the day as a producer may permit; and

(b) transport such milk to the plant or plants designated by the marketing board. O. Reg. 193/78, s. 5.

6. The marketing board may from time to time direct a transporter to transport milk to a plant or plants other than the plant or plants designated in the order appointing him. O. Reg. 193/78, s. 6.

7.—(1) A transporter shall deliver milk to a plant on the days and at the times agreed upon by the transporter and the operator of the plant.

(2) Where a transporter and the operator of a plant fail to make an agreement under subsection (1), the transporter shall forthwith notify the marketing board. O. Reg. 193/78, s. 7.

8. Where,

- (a) a plant designated to receive milk from a transporter does not receive milk daily; and
- (b) the truck of the transporter arrives at the plant before the normal closing hour of the plant on the day preceding a day on which the plant does not receive milk,

the marketing board shall ensure that the milk is unloaded at the plant on such preceding day. O. Reg. 193/78, s. 8.

9. Where access to the premises of,

- (a) a producer assigned to a transporter; or
- (b) a plant designated to receive milk from a transporter,

is such that transportation of the milk is impracticable, the transporter shall forthwith notify the marketing board. O. Reg. 193/78, s. 9.

10. Where milk is delayed in transit for a period in excess of four hours, the transporter shall compensate the marketing board for any loss incurred thereby unless such delay resulted from a direction of the marketing board. O. Reg. 193/78, s. 10.

11.—(1) Subject to subsection (3), a transporter shall not take delivery from a farm bulk tank of milk that does not comply with the provisions of Regulation 629 of Revised Regulations of Ontario, 1980.

(2) Subject to subsection (3), where a transporter takes delivery of milk mentioned in subsection (1), he shall compensate the marketing board for any loss incurred thereby.

(3) Where,

- (a) a transporter refuses to take delivery of milk under subsection (1);
- (b) the producer thereof notifies the marketing board; and
- (c) the marketing board directs the transporter to take delivery of the milk,

the transporter is not liable to compensate the marketing board under subsection (2). O. Reg. 193/78, s. 11.

12. Where the marketing board directs a transporter,

- (a) to take delivery of milk referred to in subsection 11 (1); or
- (b) to take delivery of milk of a producer who has not been assigned to him,

the marketing board shall pay the transporter for any extra distance travelled for that purpose at the rates prescribed in Schedule 2 of the order appointing the transporter. O. Reg. 193/78, s. 12.

13. Except as otherwise provided in this Regulation, where a transporter fails to take delivery of and transport the milk of a producer assigned to him,

- (a) the transporter shall compensate the marketing board for any extra costs incurred by it in transporting the milk of the producer; and
- (b) the marketing board may deduct such extra costs from the moneys payable by the marketing board to the transporter. O. Reg. 193/78, s. 13.

14.—(1) The marketing board shall pay any moneys payable to a transporter for milk transported in any month not later than the twentieth day of the next following month.

(2) Every payment made by the marketing board under subsection (1) shall be accompanied by an itemized statement showing the amounts payable to and deducted from the transporter. O. Reg. 193/78, s. 14.

15.—(1) At the time of taking delivery of milk from a producer on a route of a transporter, every operator of a tank-truck shall,

- (a) make and sign in quadruplicate a milk collection report in the form provided by the marketing board;
- (b) deliver the third copy of the milk collection report to the producer;
- (c) deliver the original and first copy of the milk collection report to the operator of the plant to which the milk is delivered; and
- (d) deliver the second copy of the milk collection report to the transporter.

(2) No operator of a tank-truck, in recording the volume of milk delivered to him by a producer, shall record on the milk collection report the volume of any milk that was not actually delivered to him by that producer. O. Reg. 193/78, s. 15.

16.—(1) Where a transporter is requested by the operator of a plant to which he delivered milk, or by the marketing board, as the case may be, to verify the volume of milk transported by him in a tank-truck,

- (a) in any month by measuring the volume of milk in every tank-truck in respect of a route; or
- (b) by measuring the volume from time to time in any tank-truck of milk,

the transporter shall verify the volume of the milk.

(2) A transporter shall verify the volume of milk under subsection (1),

- (a) by weighing the tank-truck of milk on a platform-type weighing machine,
 - (i) inspected, verified and stamped under the *Weights and Measures Act* (Canada),
 - (ii) capable of weighing the gross weight, including all axles of the tank-truck, and
 - (iii) so located that the tare weight may be measured without moving the tank-truck; or
- (b) by weighing the tank-truck of milk by means of a weighing machine,
 - (i) inspected, verified and stamped under the *Weights and Measures Act* (Canada), and
 - (ii) equipped with a tank having a capacity of not less than one-third of the capacity of the tank-truck,

and, where so weighed, the volume of milk shall be calculated by converting the kilograms to litres on the basis that one litre of milk weighs 1.0297 kilograms at 4 degrees C; or

- (c) by measuring the volume in litres of the milk in the tank-truck by means of a measuring machine equipped with a meter and a meter installation and inspected, verified and stamped under the *Weights and Measures Act* (Canada).

(3) Where the volume of a tank-truck of milk is verified under subsection (2), the operator of the tank-truck shall sign the weigh-slip or meter slip, as the case may be. O. Reg. 193/78, s. 16.

17.—(1) Where,

- (a) a transporter verifies the volume of milk under clause 16 (1) (a);
- (b) the total volume for the month is less than the total volume recorded on the milk collection reports therefor; and
- (c) the shortage in volume exceeds .35 per cent of the volume recorded,

the transporter shall pay the marketing board for that portion of the shortage that exceeds .35 per cent of the volume recorded at the price determined by the marketing board for Class 5 milk.

(2) Where,

- (a) a transporter verifies the volume of a tank-truck of milk under clause 16 (1) (b);
- (b) the volume is less than the volume recorded on the milk collection report therefor; and
- (c) the shortage in volume exceeds .70 per cent of the volume recorded,

the transporter shall pay the marketing board for that portion of the shortage that exceeds .70 per cent of the volume recorded at the price determined by the marketing board for Class 5 milk.

(3) No payment shall be made under subsection (2) in respect of a tank-truck of milk included in a payment under subsection (1). O. Reg. 193/78, s. 17.

18. Where a transporter is requested by the operator of a plant to which he delivers milk, or by the marketing board, as the case may be, to verify the volume of a tank-truck of milk for any purpose other than to establish a payment under section 17, the transporter shall verify the volume by weighing the tank-truck of milk on a weighing machine inspected, verified and stamped under the

Weights and Measures Act (Canada) and converting the kilograms to litres on the basis that one litre of milk weighs 1.0297 kilograms at 4 degrees C. O. Reg. 193/78, s. 18.

19. Where a transporter verifies the volume of milk under section 16 or section 18, the operator of the plant or the marketing board, as the case may be, shall pay,

- (a) any weighing charges; and
- (b) where extra distance is required in transporting the milk for the purpose of weighing, any charges therefor in respect of each tank-truck if the extra distance for the tank-truck exceeds 32 kilometres in any month, calculated in accordance with the rates contained in Schedule 2 of the order of the marketing board appointing the transporter as its agent. O. Reg. 193/78, s. 19.

20.—(1) Where it occurs regularly that,

- (a) the total volume of milk of producers on a route of a transporter is less than the total volume recorded on the milk collection report for such producers; and
- (b) the shortage in volume exceeds .35 per cent of the volume recorded,

the marketing board on a request in writing by the transporter shall ensure that the calibration of the farm bulk tank of every producer on the route complies with the provisions of Regulation 629 of Revised Regulations of Ontario, 1980.

(2) Where a request is made by a transporter under subsection (1), he shall not be required to make any payment to the marketing board under subsection 17 (1) if the calibration of the farm bulk tanks fails to comply with the provisions of Regulation 629 of Revised Regulations of Ontario, 1980. O. Reg. 193/78, s. 20.

21. Where on verifying the volume under subsection 16 (2) of two consecutive tank-trucks of milk transported by a transporter, the volumes,

- (a) exceed the volumes recorded on the milk collection reports in respect thereof; or
- (b) are less than the volumes recorded on the milk collection reports in respect thereof and the shortages in volume exceed .35 per cent of the volumes recorded,

the transporter shall forthwith furnish the marketing board with particulars in writing of the shortages. O. Reg. 193/78, s. 21.

22.—(1) Where the farm bulk tank of a producer assigned to a transporter is moved, the transporter shall forthwith notify the marketing board.

(2) On receipt of a notice under subsection (1), the marketing board shall forthwith ensure that the calibration of the farm bulk tank complies with the provisions of Regulation 629 of Revised Regulations of Ontario, 1980. O. Reg. 193/78, s. 22.

23. A transporter shall take delivery of milk at the premises of the producer or at such other location as may from time to time be designated by the marketing board. O. Reg. 193/78, s. 23.

24.—(1) Where milk of a producer is spilled during the course of delivery or transportation, the transporter shall,

- (a) where all the milk of the producer is spilled, furnish in writing to the operator of the plant to which the producer is assigned by the marketing board particulars of the amount of milk made available or delivered, as the case may be, to the transporter by the producer;
- (b) where part of the milk of the producer is spilled, furnish in writing to the operator of the plant to which the remainder of the milk of the producer is delivered, particulars of the amount of milk made available or delivered, as the case may be, to the transporter by the producer; and
- (c) notify the operator of the plant referred to in clause (a) or (b), as the case may be, that all or part of the milk of the producer was spilled.

(2) The transporter shall pay the marketing board for the amount of milk spilled at the price

determined by the marketing board for Class 5 milk. O. Reg. 193/78, s. 24.

25. Where a transporter has knowledge of an impending strike by his employees, he shall forthwith notify the marketing board. O. Reg. 193/78, s. 25.

26. Where the observance, performance or carrying out of any provision of this Regulation is prevented in whole or in part by an act of God, adverse weather, fire, strike, lock-out, invasion or order of a civil or military authority, a failure by the marketing board or a transporter, as the case may be, to observe, perform or carry out the provision by reason of such prevention shall not be deemed to be a contravention of this Regulation. O. Reg. 193/78, s. 26.

27. A transporter shall notify the marketing board in writing by prepaid registered mail of any change in his address and such notice shall be deemed to have been received by the marketing board on the second day that is not a holiday after the date of mailing. O. Reg. 193/78, s. 27.

28. Every transporter shall,

- (a) effect, maintain and pay for insurance on milk transported by him in accordance with the *Public Commercial Vehicles Act* and the regulations thereunder, with loss thereunder payable to the marketing board as its interest may appear; and
- (b) if requested by the marketing board, furnish the marketing board with a certified copy of the insurance policy. O. Reg. 193/78, s. 28.

REGULATION 628

under the Milk Act

MILK AND CHEESE—PLAN

1. The plan in the Schedule is continued for the control and regulation of the marketing within Ontario of milk and cheese. R.R.O. 1970, Reg. 587, s. 1, *revised*.

2. The marketing board named in the Schedule is given all of the powers that are vested in a co-operative corporation incorporated under the *Co-operative Corporations Act*. O. Reg. 974/78, s. 1.

3. The members of the marketing board shall be deemed to be the shareholders and directors thereof in the exercise of any of the powers mentioned in section 2. R.R.O. 1970, Reg. 597, s. 3.

Schedule

Milk Act

PLAN

1. This plan may be cited as "The Ontario Milk Marketing Plan".

2. This plan applies to the control and regulation of the marketing within Ontario of milk and cheese.

3. In this plan,

(a) "cheese" means cheese of every variety produced in Ontario;

(b) "milk" means milk from cows;

(c) "producer" means a producer engaged in the production of milk.

4. There shall be a marketing board to be known as "The Ontario Milk Marketing Board".

5. Subject to section 23, the marketing board shall be composed of not more than twelve members.

6. The Lieutenant Governor in Council shall appoint to the marketing board every person elected in accordance with the provisions of this plan.

7. Producers are divided into twelve regions as follows:

1. Region 1, comprising the counties of Glengarry, Prescott, Russell and Stormont.

2. Region 2, comprising the counties of Dundas, Frontenac, Grenville and Leeds.

3. Region 3, comprising the counties of Lanark and Renfrew and The Regional Municipality of Ottawa-Carleton.

4. Region 4, comprising the counties of Hastings, Lennox and Addington and Prince Edward.

5. Region 5, comprising the counties of Northumberland, Peterborough and Victoria, the Provisional County of Haliburton, the Territorial District of Muskoka and The Regional Municipality of Durham.

6. Region 6, comprising the counties of Dufferin, Simcoe and York, as it existed on the 31st day of December, 1970, and the regional municipalities of Halton and Peel.

7. Region 7, comprising the County of Brant, the Regional Municipalities of Hamilton-Wentworth and Niagara and that part of The Regional Municipality of Haldimand-Norfolk that, on the 31st day of March, 1974 was the County of Haldimand.

8. Region 8, comprising the counties of Elgin and Oxford and that part of The Regional Municipality of Haldimand-Norfolk, that, on the 31st day of March, 1974 was the County of Norfolk.

9. Region 9, comprising the counties of Essex, Kent, Lambton and Middlesex.

10. Region 10, comprising the counties of Perth and Wellington and The Regional Municipality of Waterloo.

11. Region 11, comprising the counties of Bruce, Grey and Huron.

12. Region 12, comprising the territorial districts of Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, Sudbury, Thunder Bay and Timiskaming.

8. One member of the marketing board shall be elected in each region in the election year prescribed for the region under section 22.

9.—(1) Subject to subsection (3), no person is eligible to vote or be elected in the election of the marketing board unless he is a licensed producer residing in the region in which the election takes place.

(2) Where a licensed producer is a corporation or partnership, the person eligible to vote or be elected in the election of the marketing board shall be the person, if any, designated in writing by the corporation or partnership for that purpose.

(3) Where, by reason of absence or illness, a licensed producer is unable to vote on the day set for the election of the marketing board, he may designate a member of his immediate family to vote on his behalf where the person designated,

(a) is the spouse, or a parent, son or daughter of the licensed producer;

(b) is eighteen years of age or over; and

(c) resides on the farm of the licensed producer.

(4) No licensed producer is entitled to cast more than one ballot in any election.

10.—(1) Nominations for election to the marketing board shall be submitted to the Commission on or after the 1st day of September and not later than the 15th day of September in an election year.

(2) A nomination under subsection (1) shall be in Form 1.

(3) The Commission shall not accept a nomination unless,

(a) the nominee is qualified under section 9;

(b) the nomination is in accordance with Form 1;

(c) the nomination bears the signature of the nominee indicating his acceptance of the nomination;

(d) the nomination bears the signatures of ten persons as nominators, each of whom is qualified under section 9; and

(e) the nomination was received or, if mailed, was postmarked not later than the 15th day of September in the election year.

11.—(1) Where the Commission is satisfied that nominations under section 10 are complete, the Commission shall forthwith provide each nominee with the list of nominees for the region in respect of which he is nominated.

(2) A nominee may withdraw his nomination by notice in writing to the Commission delivered or mailed so that it is received not later than the tenth day after the date of delivery or mailing to him of the list of nominees for his region.

12.—(1) Where not more than one person is a candidate for election to the marketing board in respect of a region, the Commission shall declare

such person elected to the marketing board by acclamation.

(2) Where two or more persons are candidates for election to the marketing board in respect of a region, the Commission shall conduct an election.

13.—(1) For each region in which an election is to be conducted, the Commission shall appoint a returning officer and such deputy returning officers and other persons as it considers necessary for the conduct of the election.

(2) The Commission shall provide a supply of ballots sufficient for the taking of the vote.

(3) A ballot shall be in Form 2 with the names of the candidates listed thereon in alphabetical order.

(4) Voting shall be by secret ballot.

14.—(1) Where an election is to be conducted in a region other than Region 12, the election shall be held on the last Tuesday in October in the election year prescribed for the region and the Commission shall arrange for such polling places as it considers necessary.

(2) The time of voting shall be from 9.00 a.m. to 8.00 p.m.

(3) No person shall be admitted to a polling place after 8.00 p.m. for the purpose of voting.

(4) The Commission shall, at least ten days before the day for the election in a region, mail or cause to be delivered to each licensed producer in the region a notice containing,

(a) the names of the candidates for election;

(b) the day and time of the election; and

(c) the polling place at which the producer may vote.

(5) The Commission, in respect of each polling place in a region, shall,

(a) prepare a voters' list containing the name, address and licence number of each producer who may vote at such polling place; and

(b) at least seven days before the day for the election in the region, post in the office of each agricultural representative within the region the voters' lists for the polling places within the area served by such agricultural representative.

15.—(1) The returning officer and each deputy returning officer shall, in respect of his polling place,

- (a) ensure the provision of,
 - (i) a supply of ballots sufficient for the taking of the vote,
 - (ii) a sealed ballot box,
 - (iii) compartments for voting, and
 - (iv) such other equipment and supplies as may be required for the taking of the vote;
- (b) post conspicuously in each voting compartment printed directions in Form 3 for the guidance of voters in voting; and
- (c) permit each candidate to be represented during the taking of the vote by a scrutineer designated by the candidate.

(2) No person shall vote in an election unless he is eligible therefor under section 9.

(3) Every person, upon receiving a ballot at a polling place, shall take the ballot into a voting compartment and shall vote in the manner prescribed in Form 3.

(4) The returning officer or deputy returning officer, upon receiving a ballot from a voter, shall at once deposit the ballot in the ballot box in the presence of the voter without unfolding the ballot or in any way disclosing the mark made by the voter.

16.—(1) The returning officer or deputy returning officer shall, at 8.00 p.m., close the polling place and as soon thereafter as he is of opinion that every person then in the polling place and entitled to vote has had an opportunity to cast his vote, shall close the voting and proceed with the counting of the ballots.

(2) The returning officer or deputy returning officer shall,

- (a) count the ballots in the presence of at least two persons eligible under section 9 to vote in the election;
- (b) permit the scrutineer, if any, designated by each candidate to be present at the counting of the ballots;
- (c) reject and keep separate every ballot,
 - (i) that was not supplied by him,
 - (ii) that contains votes for more than one candidate, or
 - (iii) upon which there is any writing or mark by which the voter may be identified or which has been so dealt with by the voter that he can thereby be identified;

(d) make a record, in the form provided therefor by the Commission, of,

- (i) the number of ballots cast,
- (ii) the number of votes given and allowed for each candidate, and
- (iii) the number of rejected ballots; and

(e) ensure the safe custody of all the ballots cast at the polling place, including the if any, rejected under clause (c).

(3) Every deputy returning officer shall deliver to the returning officer for his region,

- (a) the record prescribed by clause (2) (d);
- (b) the ballots for the polling place; and
- (c) any other material or documents related to the taking of the vote or the counting of the ballots.

(4) Every returning officer shall,

(a) prepare and deliver to the Commission, in the form provided therefor by the Commission, a record of,

- (i) the total number of ballots cast in the region,
- (ii) the total number of votes given and allowed for each candidate, and
- (iii) the total number of rejected ballots;

(b) retain in safe custody, for such period of time as the Commission directs,

- (i) all the ballots, including the rejected ballots, if any, for the region,
- (ii) the records prescribed by clause (2) (d); and
- (iii) all other material or documents related to the taking of the vote or the counting of ballots in the region.

17.—(1) Where an election is to be conducted in Region 12, the Commission shall mail or cause to be delivered one ballot to each licensed producer in the region not later than,

- (a) where mailed, the 15th day of October; or
- (b) where delivered otherwise than by mail, the 17th day of October,

in the election year.

(2) Each ballot mailed or delivered in accordance with subsection (1) shall be accompanied by,

- (a) an envelope identified only by the words "Ballot Envelope"; and
 - (b) a mailing envelope addressed to the returning officer appointed by the Commission for the Region.
- (3) A voter shall cast his vote by,
- (a) placing a mark on the ballot in the box opposite the name of the candidate for whom he wishes to vote;
 - (b) sealing the marked ballot within the Ballot Envelope;
 - (c) sealing the Ballot Envelope within the mailing envelope;
 - (d) affixing his signature and licence number on the mailing envelope in the spaces provided therefor; and
 - (e) mailing or causing to be delivered the mailing envelope to the returning officer so that,
 - (i) where mailed, it is postmarked, or
 - (ii) where delivered otherwise than by mail, it is consigned for delivery,

not later than the last Tuesday in October in the election year.

(4) The returning officer shall not accept a mailing envelope unless it,

- (a) bears the signature and licence number of a voter who is qualified under section 9 for the region; and
- (b) where mailed, is postmarked; or
- (c) where delivered otherwise than by mail, was consigned for delivery,

not later than the last Tuesday in October in the election year.

(5) Where the returning officer accepts a mailing envelope, he shall,

- (a) remove the Ballot Envelope therefrom and deposit the Ballot Envelope in a sealed ballot box; and
- (b) destroy forthwith the mailing envelope bearing the identity of the voter.

(6) The ballots shall be counted by the returning officer on the Monday next following the last Tuesday in October in the election year, and the returning officer shall,

- (a) count the ballots in the presence of at least two persons eligible under section 9 to vote in the election;

(b) permit each candidate to be represented at the counting of the ballots by a scrutineer designated by the candidate;

(c) reject and keep separate every ballot,

- (i) that was not supplied by him,
- (ii) that contains votes for more than one candidate, or
- (iii) upon which, or upon the Ballot Envelope containing which, there is any writing or mark by which the voter may be identified or where such ballot or Ballot Envelope has been so dealt with by the voter that he can thereby be identified;

(d) prepare and deliver to the Commission, in the form provided therefor by the Commission, a record of,

- (i) the number of ballots cast,
- (ii) the number of votes given and allowed for each candidate, and
- (iii) the number of rejected ballots; and

(e) retain in safe custody, for such period of time as the Commission directs, all the ballots, including the rejected ballots, if any.

18.—(1) Where an election is conducted in respect of a region, the Commission shall declare elected in the region the candidate who obtained the largest number of votes and shall notify the candidates of the results of the election.

(2) Any candidate may request a recounting of the ballots by notice in writing to the Commission delivered or mailed so that it is received not later than seven days after the date of giving the notice referred to in subsection (1).

(3) Upon receipt of a notice under subsection (2), the Commission shall conduct a recounting of the ballots and each candidate may designate a scrutineer for the purposes of such recounting.

(4) The election of a candidate on the basis of such recounting shall be final.

(5) Where, by reason of a tie vote or other cause, the election of a member to the marketing board in respect of a region is not determined upon the counting of the ballots, the Commission shall declare the election void and shall conduct a further election within fifteen days from the date of such declaration.

19. A member of the marketing board shall be appointed to take office on the 10th day of January next following the date of his election and shall hold office until his successor takes office.

20. At its first meeting after the 10th day of January in each year the members of the marketing board shall elect from among themselves a chairman and a vice-chairman and shall appoint a secretary and a treasurer who shall not be members of the marketing board.

21. A majority of the members of the marketing board constitutes a quorum whether or not a vacancy exists in the membership.

22.—(1) The election years for the regions established under this plan shall be as follows:

1. Region 1, 1984 and every fourth year thereafter.
2. Region 2, 1981 and every fourth year thereafter.
3. Region 3, 1982 and every fourth year thereafter.
4. Region 4, 1983 and every fourth year thereafter.
5. Region 5, 1984 and every fourth year thereafter.
6. Region 6, 1981 and every fourth year thereafter.
7. Region 7, 1982 and every fourth year thereafter.
8. Region 8, 1983 and every fourth year thereafter.
9. Region 9, 1984 and every fourth year thereafter.
10. Region 10, 1981 and every fourth year thereafter.
11. Region 11, 1982 and every fourth year thereafter.
12. Region 12, 1983 and every fourth year thereafter.

(2) Notwithstanding subsection (1), where a member of the marketing board dies, resigns or ceases to

be a producer of milk, the Commission may cause an election to be held to elect a member in the region that was represented by the member who died, resigned or ceased to be a producer of milk, and the member so elected shall forthwith take office and shall hold office until his successor is elected and takes office.

(3) An election held under subsection (2) shall be conducted in such manner and on such terms and conditions as the Commission directs.

(4) Where an election is not held under subsection (2), the year in which the 15th day of September next following the date on which the member died, resigned or ceased to be a producer of milk falls shall be an election year for the region that was represented by such member in addition to any election year established for that region under subsection 1.

23.—(1) Notwithstanding section 6, the Minister may, from time to time appoint, upon the recommendation of The Ontario Cream Producers' Marketing Board, a member to the marketing board to hold office for a term not exceeding one year.

(2) No person shall be appointed under this section unless he is, at the time of his appointment,

- (a) a producer engaged in the production of cream; and
- (b) a member of The Ontario Cream Producers' Marketing Board.

(3) Where a member appointed under this section ceases to be a producer of cream or a member of The Ontario Cream Producers' Marketing Board during the term for which he is appointed, his appointment terminates.

(4) Where,

- (a) a member appointed under this section dies or resigns; or
- (b) the appointment of a member is terminated under subsection (3),

the Minister may, upon the recommendation of The Ontario Cream Producers' Marketing Board, appoint a successor to hold office for the unexpired term. R.R.O. 1970, Reg. 597, Sched.; O. Reg. 389/71, s. 1; O. Reg. 695/74, s. 1; O. Reg. 667/75, s. 1; O. Reg. 630/78, s. 1; O. Reg. 1130/80, s. 1.

Form 1

Milk Act

NOMINATION FOR THE ELECTION OF A
MEMBER TO THE ONTARIO MILK MARKETING BOARD

We hereby nominate.....
(name)
of.....
(address)
for election to The Ontario Milk Marketing Board
for Region No.....

Nominated by:

..... (name)	..... (address)	..... (licence no.)
..... (name)	..... (address)	..... (licence no.)

I HEREBY ACCEPT THIS NOMINATION.

.....
(signature of nominee)
.....
(address of nominee)
.....
(licence no. of nominee)
O. Reg. 389 /71, s. 2, *part.*

Form 2

Milk Act

BALLOT FOR ELECTION OF A MEMBER
TO THE ONTARIO MILK MARKETING BOARD

REGION NO..... POLLING PLACE.....
CANDIDATES

..... (name)	..... (address)	<input type="checkbox"/>
..... (name)	..... (address)	<input type="checkbox"/>
..... (name)	..... (address)	<input type="checkbox"/>

O. Reg. 389 /71, s. 2, *part.*

Form 3*Milk Act***DIRECTIONS FOR VOTERS IN VOTING**

1. With the pencil provided in this voting compartment, the voter shall place a mark in the box opposite the name of the candidate for whom he wishes to vote.
2. Do not mark the ballot for more than ONE candidate.
3. The voter must FOLD the ballot so as to conceal the mark placed on the ballot and then leave the voting compartment without delay.
4. Without showing the face of the ballot to anyone or showing in any other way how the ballot is marked, the voter shall deliver the ballot, so folded, to the Returning Officer or Deputy Returning Officer.

5. If the voter inadvertently spoils a ballot, he shall return it to the Returning Officer or Deputy Returning Officer who shall, if satisfied as to such inadvertence, give him another ballot.
6. The voter shall not take his ballot out of the polling place or deposit anything in the ballot box.

NOTE

Where a voter,

- (a) marks, tears, defaces or otherwise deals with his ballot in any way by which he may thereafter be identified; or
- (b) marks his ballot for more than one candidate,

the ballot will not be counted.

O. Reg. 389/71, s. 2, *part.*

REGULATION 629

under the Milk Act

MILK AND MILK PRODUCTS

1. In this Regulation,

1. "apprentice bulk tank milk grader" means the holder of an apprentice bulk tank milk grader's certificate;
2. "apprentice milk and cream grader" means the holder of an apprentice milk and cream grader's certificate;
3. "apprentice milk and cream tester" means the holder of an apprentice milk and cream tester's certificate;
4. "bulk milk transfer station" means any location where bulk milk or cream is transferred from one tank-truck to another;
5. "bulk tank milk grader" means the holder of a bulk tank milk grader's certificate;
6. "Commission" means The Milk Commission of Ontario;
7. "cream marketing board" means the Ontario Cream Producers Marketing Board;
8. "dairy" means premises in which milk is processed into fluid milk products;
9. "dairyworker" means a buttermaker or a cheesemaker who is the holder of a dairyworker's certificate with a buttermaker's or a cheesemaker's option, as the case may be;
10. "Director" means the Director of the Farm Products Quality Branch;
11. "farm bulk tank" means a stationary storage tank used only for the holding and cooling of milk on the premises of a producer and includes fixtures thereto and the equipment required for the use of the tank;
12. "inhibitor" means any antibiotic, medicine or chemical preparation that can be detected in milk;
13. "milk marketing board" means The Ontario Milk Marketing Board;
14. "milk and cream grader" means the holder of a milk and cream grader's certificate;
15. "milk and cream tester" means the holder of a milk and cream tester's certificate;
16. "milking equipment" includes those parts of a milking machine and its pipelines, connections and appurtenances with which milk comes into contact when the milking machine is used;
17. "milking parlour" means an area used solely for the milking of animals;
18. "non-processor-distributor" means a distributor other than a processor-distributor or a shopkeeper-distributor;
19. "plant" means a cheese factory, concentrated milk plant, cream receiving station, creamery, dairy or milk receiving station;
20. "processor" means a person engaged in the processing of milk products or fluid milk products;
21. "processor-distributor" means a distributor who buys milk from the marketing board and operates a dairy;
22. "producer" means a producer of milk or cream;
23. "sample storage depot" means any facility where milk samples of a producer are stored prior to pick-up for analysis for payment purposes;
24. "sanitize" means to treat a surface that comes in contact with milk with heat or approved chemicals capable of destroying any microorganisms that may be adhering to the surface;
25. "shopkeeper-distributor" means an operator of a shop who is engaged in buying fluid milk products from any other class of distributor and selling or distributing on the shop premises such fluid milk products directly to consumers;
26. "tank-truck" means a vehicle having a tank used only for the purpose of hauling milk, cream, liquid milk products or potable water;
27. "tank-truck operator" means the operator of a tank-truck;
28. "transporter" means a person who transports milk or cream;
29. "utensils" means containers and equipment with which milk comes into contact or is likely

to come into contact used in the producing, handling and storing of milk on the premises of a producer, other than farm bulk tanks and milking equipment;

30. "variety cheese maker" means the holder of a variety cheese maker's certificate. O. Reg. 1127/80, s. 1.

PRODUCERS

2. No producer shall sell or offer for sale milk that is not produced, handled and stored in accordance with this Regulation. O. Reg. 1127/80, s. 2.

3. No animal that is,

- (a) suffering from a condition; or
- (b) infected with a disease,

that adversely affects the quality or wholesomeness of the milk shall be stabled,

- (c) so as to come into contact with animals from which milk is obtained for sale; or
- (d) on premises used in connection with the producing, handling, storing or transportation of milk. O. Reg. 1127/80, s. 3.

4. No producer shall sell or offer for sale milk that,

- (a) is obtained from an animal,
 - (i) in the period of fifteen days before, or in the period of three days after, parturition, or such longer period as is required to insure that the milk is colostrum-free,
 - (ii) to which medicine or an antibiotic has been administered, during the period of medication and for such period following the last treatment as is sufficient to ensure that the milk is free of any medicinal or antibiotic residues, or
 - (iii) that is not in good physical condition and free from any condition or disease that adversely affects the quality or wholesomeness of the milk;

- (b) is not sweet and clean;

- (c) has an objectionable flavour or odour;

- (d) shows evidence of being watery, flaky, stringy, bloody, thick or adulterated;

- (e) shows evidence of coagulation;

- (f) shows evidence of melted or churned fat floating on the surface of the milk;

- (g) contains any foreign substance, including insects and vermin;

- (h) has had water added in any form or in any manner;

- (i) has had any part of the milk-fat removed;

- (j) contains any inhibitor;

- (k) is a mixture of milk from two different species of animals; or

- (l) is produced in an insanitary manner.

O. Reg. 1127/80, s. 4.

5.—(1) No person shall give to any milking animal any food other than clean, wholesome food.

(2) No food shall be given to an animal of a kind or at a time or in a manner that causes its milk,

- (a) to give off an objectionable odour; or

- (b) to have a taste or appearance other than that of normal milk. O. Reg. 1127/80, s. 5.

6. No person shall remove anything from or add anything to milk as it is produced by the milking animal. O. Reg. 1127/80, s. 6.

7.—(1) Animals shall be clean.

(2) When animals are in stables, the hair on udders, flanks and tails above the switch of the animals shall be kept short.

(3) The switch of an animal's tail shall clear the floor when the animal is standing.

(4) Immediately before the time of each milking of an animal, the flanks and udder shall be cleaned.

O. Reg. 1127/80, s. 7.

8.—(1) Every producer shall keep all buildings or premises where animals are stabled or milked,

- (a) clean and in a sanitary condition;

- (b) free from flies and other insects;

- (c) free from dust;

- (d) adequately lighted; and

- (e) ventilated sufficiently to prevent odours from affecting the milk.

(2) All walls, ceilings, partitions and other parts of the stable shall be painted or whitewashed at least once a year and be kept clean.

- (3) Where milking parlours are used,

- (a) the parlour shall be partitioned off from the stable or loafing area;
- (b) cattle entrance and exit doors shall be self-closing and capable of being operated by the person milking the animals;
- (c) concrete or similar impervious materials shall be used for floors, ramps and platforms;
- (d) the operator alley floor and cow platforms shall be adequately sloped to trapped covered floor drains that are capable of draining any liquids from the parlour to a location outside the parlour;
- (e) sufficient area shall be provided to perform the normal duties of preparing and milking the animals;
- (f) walls and ceilings shall have smooth surfaces, impermeable to liquids, extending for a reasonable distance from the floor;
- (g) screens shall be provided to prevent the entrance of insects;
- (h) adequate lighting shall be provided in order that the operator has good visibility of the udders while milking; and
- (i) proper ventilation shall be provided as well as adequate hoses, nozzles, water supply and cleaners necessary to maintain the parlour in a sanitary state. O. Reg. 1127/80, s. 8.

9. No producer shall permit animals other than of the bovine or caprine genus in any part of a stable used for the stabling or milking of animals. O. Reg. 1127/80, s. 9.

10.—(1) Every producer shall keep all parts of the premises, except loafing-type stables, clean and free from accumulations of manure and refuse.

(2) Every producer keeping animals in loafing-type stables shall provide a plentiful supply of bedding in the stables and keep the stables free from any accumulation of refuse. O. Reg. 1127/80, s. 10.

11.—(1) Every producer of milk shall provide a milk house attached to or adjacent to buildings where animals are milked.

(2) Every milk house shall be in a location that,

- (a) ensures good drainage and freedom from contamination;
- (b) is accessible for bulk tank-truck pick-up; and
- (c) provides a loading area that is reasonably level.

(3) Every milk house shall,

- (a) have clear space sufficient for washing, cleaning, rinsing and storing utensils and milking equipment;
- (b) have a floor capable of supporting, without sagging or heaving, the cooling and storing facilities for milk and cream and the milking equipment and utensils;
- (c) have a floor with a smooth surface that is impermeable to liquids and that has adequate slope towards the floor drain;
- (d) have a drain that can be maintained in a sanitary condition located in the floor of the milk house in an open position with a diameter of at least 100 millimetres and capable of draining any liquids from the floor to a location outside the milk house;
- (e) have walls with smooth surfaces, impermeable to liquids, extending for a reasonable distance from the floor;
- (f) be lighted sufficiently for the carrying out of all operations therein;
- (g) be provided with at least one door to the outside and, where it has a door opening into the milking area, such door shall be solid;
- (h) have each door equipped with a self-closing device, including the door into the milking area;
- (i) be provided with screens for all windows and other openings sufficient to prevent entry of insects;
- (j) have walls and roof insulated to prevent condensation of moisture upon the inside walls and ceiling except such condensation as is caused by steam or hot water used in the milk house;
- (k) be properly ventilated;
- (l) be provided with a sink having two compartments; and
- (m) be provided with adequate amounts of hot and cold potable water.

(4) Every milk house shall be,

- (a) kept clean at all times; and
- (b) used only for,
 - (i) cooling and storing of milk or cream,
 - (ii) storing of milking equipment and utensils, and

- (iii) washing and sanitizing of milking equipment and utensils.

(5) No animals or fowl shall be permitted to enter a milk house.

(6) No producer shall have more than one bulk tank. O. Reg. 1127/80, s. 11.

12.—(1) No person shall use milking equipment or utensils that were not,

- (a) immediately after each use,
 - (i) rinsed with cold or lukewarm water, and
 - (ii) thoroughly cleaned to remove all dirt and milk deposits;
- (b) sanitized immediately before each use; and
- (c) stored on clean racks in the milk house when not in use.

(2) Every producer shall provide and maintain in good condition and state of repair milking equipment and utensils for the producing, handling and storing of milk.

(3) No producer shall use utensils that are not in good condition and state of repair.

(4) Every producer shall provide equipment and materials necessary to clean, rinse and sanitize milking equipment and utensils.

(5) No producer shall use milking equipment or utensils for the production, handling, storage or transportation of milk if the milking equipment or utensils are made of materials that,

- (a) adversely affect the flavour of milk that comes into contact with them;
 - (b) have rough surfaces or surfaces not easily cleaned;
 - (c) have joints not flush with the surfaces; or
 - (d) have open seams, cracks or exposed threads.
- (6) No person shall milk an animal unless he or she,
- (a) has washed his or her hands immediately before the milking; and
 - (b) keeps his or her hands clean during the milking.

(7) No person shall milk an animal or handle utensils or milking equipment that come into contact with milk, except a person who is,

- (a) in good health;

(b) free from any communicable disease as defined in the *Public Health Act* and the regulations thereunder;

(c) cleanly dressed; and

(d) personally clean at each time of milking and of handling milk and utensils. O. Reg. 1127/80, s. 12.

13.—(1) Producers who install or change bulk tanks shall have only one farm bulk tank in the milk house, and,

- (a) the Director shall be notified of any new farm bulk tank installations or changes in farm bulk tank installations;
- (b) all milk produced shall be cooled and shipped directly from a farm bulk tank unless authorized otherwise by the Director; and
- (c) milk removed from a farm bulk tank by a producer shall not be sold or offered for sale by the producer.

(2) No person shall use a farm bulk tank that does not comply with sections 14 to 29 for holding or cooling milk.

(3) Every producer shall, as soon as possible after milking, but within two hours of the time of milking, cool milk to a temperature below 8°C.

(4) No person shall fill a farm bulk tank to a level at which the milk cannot be properly agitated without spilling or overflowing. O. Reg. 1127/80, s. 13.

14.—(1) Where a farm bulk tank is installed by a producer on his premises, the farm bulk tank shall be located in a milk house.

(2) Every milk house in which a farm bulk tank is located shall,

- (a) except in the case of a farm bulk tank operated by an internal combustion engine, be equipped with a properly grounded electrical outlet providing a service of 220 volts and having a capacity of 15 amperes to operate the tank-truck pump;
- (b) have at least 600 millimetres clear space between the farm bulk tank and any wall of the milk house;
- (c) have the drain in the floor of the milk house located at least 600 millimetres from the outlet of the farm bulk tank; and
- (d) be provided with one opening, equipped with a self-closing device, used only for the passage of hose in transfer of milk from the farm bulk tank to the tank-truck.

(3) A farm bulk tank in a milk house shall be at least 150 millimetres above the floor of the milk house but, in the case of a tank with a rounded bottom, the lowest part of the tank may be not less than 100 millimetres above the floor.

(4) Notwithstanding clause (2) (a), every electrical outlet installed on and after the 1st day of January, 1981, shall be of 20 ampere capacity with the on and off switch located in the milk house and a receptacle of a twist-lock design located on the outside of the milk house at a point convenient to the transport driver. O. Reg. 1127/80, s. 14.

15.—(1) Each farm bulk tank installed in a milk house shall be equipped with,

- (a) a refrigeration unit capable of,
 - (i) cooling milk that reaches the tank to a temperature of 10°C or lower within one hour, and 4°C or lower within two hours,
 - (ii) except in a period of two hours after milking, maintaining a temperature of milk in the tank not lower than 1°C and not higher than 4°C while milk remains in the tank,
 - (iii) except in the case of a unit operated by a generator or an internal combustion engine, regulating the temperature by an automatic control mechanism to within 1°C of a designated temperature;
- (b) an agitator capable of stirring milk in the tank, without splashing or churning, so that the milk is thoroughly mixed in three minutes;
- (c) a measuring device by which the volume of milk in the tank may be accurately determined; and
- (d) an indicating thermometer with scale divisions of at least 3 millimetres for each change of 2°C within a range of temperature from 0°C to 50°C that measures accurately to within 1°C the temperature of the milk in the tank and located so as to register temperatures of the milk when the tank contains 20 per cent of its capacity.

(2) A hand thermometer shall be provided in the event the thermometer on the bulk milk tank is damaged or broken.

(3) The compressor parts of a refrigeration unit shall be enclosed by screening.

(4) Where hydro-electric power is not available on the premises of a producer, the farm bulk tank refrigeration unit and the agitator may be operated by,

- (a) electricity provided by a 220 volt generator driven by an internal combustion engine equipped with a starter mechanism that can be operated by the tank truck operator; or
- (b) an internal combustion engine equipped with a starter mechanism that can be operated by the tank truck operator. O. Reg. 1127/80, s. 15.

16. Each farm bulk tank shall be,

- (a) installed and maintained in a level position; and
- (b) installed in such a manner as to prevent any movement of the tank that is likely to affect the accuracy of the measuring device by which the quantity of milk in the tank is determined. O. Reg. 1127/80, s. 16.

17.—(1) Where a gauge rod is used as the measuring device to determine the volume of milk in a farm bulk tank, the gauge rod shall be plainly marked with graduation marks not further than one millimetre apart, beginning at the bottom of the rod and continuing only to that level beyond which the milk in the tank cannot be properly agitated without spilling or overflowing.

(2) Where a farm bulk tank is designed for the use of a gauge rod, the tank shall be provided with a fixed point for the suspension of the gauge rod.

(3) Each gauge rod shall be supported in the vertical position at which the farm bulk tank has been calibrated.

(4) No person shall use a measuring device in determining the volume of milk in a farm bulk tank except a measuring device that determines the volume of milk within a tolerance of,

- (a) three litres for the first 750 litres; and
- (b) an additional one litre for each additional 750 litres or part thereof,

of milk in the tank.

(5) Every producer shall maintain in good condition near the farm bulk tank in the milk house a chart showing the number of litres of milk for each reading of the measuring device used to determine the volume of milk in the tank and showing the number of whole litres for each graduation of the measuring device and a copy of such chart shall be provided to the milk marketing board.

(6) No person shall use a measuring device or a chart other than a measuring device or a chart having the same manufacturer's serial number as the serial number of the farm bulk tank. O. Reg. 1127/80, s. 17.

18.—(1) The inside lining, covers, bridges, doors, underside of insulated covers or bridges, agitators, tubing for compressed air agitation, inlet and outlet connections, measuring device and any other parts of a farm bulk tank coming into contact with milk or milk products shall be of stainless steel and the surfaces of all such parts shall be smooth.

(2) In subsections (1) and (3) and in section 21, "inside lining" means all surfaces that come into contact with milk or that extend above the breast of the farm bulk tank as a cooling surface and includes those surfaces that enclose the ends, sides and top of the tank instead of bridges or fixed covers.

(3) Where welds are made to the inside lining, the metal used in the weld shall be as corrosion-resistant as stainless steel. O. Reg. 1127/80, s. 18.

19. The portion of the outer shell of a farm bulk tank that covers the outside of the insulation or heat-exchange jacket shall be of a continuous metal covering that is smooth, sanitary and sealed by welding or other effective means. O. Reg. 1127/80, s. 19.

20. Surfaces of every farm bulk tank that come into contact with milk, including surfaces of covers, doors, fittings and accessories thereof, shall be clearly visible, easily accessible and readily cleanable. O. Reg. 1127/80, s. 20.

21.—(1) Where welds are made to the inside or the breast of a farm bulk tank, the welds shall be ground smooth and polished so that the finish is flush with the adjoining surface.

(2) Inside corners of the bottom, sides and ends of the inside lining of a farm bulk tank and any attachments within the tank shall be rounded.

(3) The inside lining of a farm bulk tank shall remain in a fixed position in relation to the outer shell or body of the tank and shall be of such construction that in normal use it does not develop any sag, buckle or distortion under load or from any other condition that is likely to affect the accuracy of the measuring device by which the quantity of milk in the tank is determined.

(4) The inside lining of a farm bulk tank shall be pitched to the outlet to effect complete drainage.

(5) All exterior seams of the outer shell of a farm bulk tank shall be sealed against moisture and vermin.

(6) Where the outside surface of a farm bulk tank is not of corrosion-resistant material, the entire outside surface shall be painted and shall be smooth.

(7) When covers or doors of a farm bulk tank are open, no liquid from the inner or outer surfaces of main covers and doors shall drain into the milk compartment. O. Reg. 1127/80, s. 21.

22.—(1) The edges of all openings in the covers or bridges of a farm bulk tank shall be flanged upwards.

(2) Openings of a farm bulk tank that are not continuously in use shall be provided with removable covers.

(3) Main covers of a farm bulk tank, when fitted for the use of strainers, shall have openings with a rim capable of supporting the strainer.

(4) A removable cover shall be provided for each strainer opening on a farm bulk tank and shall be self-draining to the outside edge of the cover and shall have a downward flange of not less than 6.4 millimetres.

(5) Every cover of a farm bulk tank shall be provided with a handle or knob welded in place and weld-ground smooth.

(6) All openings into a farm bulk tank shall be adequately protected against drip, dust, oil, insects and other things likely to contaminate the milk in the tank. O. Reg. 1127/80, s. 22.

23. Every farm bulk tank shall have an outlet connection that is of sanitary construction, readily cleanable and of sufficient size to facilitate rapid drainage. O. Reg. 1127/80, s. 23.

24. Every valve provided in a farm bulk tank shall be of sanitary construction and readily cleanable and every outlet valve shall be of stainless steel. O. Reg. 1127/80, s. 24.

25.—(1) Every farm bulk tank shall be supported on adjustable legs of adequate size and spacing to support the weight of the tank when filled to capacity.

(2) The bases of the legs of a farm bulk tank shall rest on solid masonry.

(3) The legs of a farm bulk tank shall be capable of raising the tank high enough for attachment of fittings and for draining the tank.

(4) The outside of the leg sockets of the farm bulk tank shall be of corrosion-resistant material or painted and shall be readily cleanable. O. Reg. 1127/80, s. 25.

26. The agitator in a farm bulk tank shall be so constructed that visual inspection of it can be made from outside the farm bulk tank and it shall be readily cleanable. O. Reg. 1127/80, s. 26.

27.—(1) In the case of an agitator that is removable from a farm bulk tank, the agitator shall be provided with a coupling that is easily accessible and readily dismountable.

(2) A coupling for use inside a farm bulk tank shall be of a sanitary type.

(3) A coupling, when located outside a farm bulk tank, shall be installed above the protection provided for the shaft opening into the tank.

(4) All surfaces of the bottom support of an agitator shall be visible when the agitator shaft is removed.

(5) The bottom support of an agitator shall not interfere with proper drainage of the tank.

(6) The opening through the bridge of the main cover of a farm bulk tank shall be provided with at least 25 millimetres of space for brush cleaning between the shaft and the inside surface of the opening. O. Reg. 1127/80, s. 27.

28. The shaft of a horizontal agitator in a farm bulk tank shall be provided with a sanitary type rotary seal and shall be dismountable for cleaning. O. Reg. 1127/80, s. 28.

29.—(1) Where the agitation of the milk is by compressed air, the air, before being used for this purpose, shall be filtered to remove dust, insects, all extraneous material and any source of objectionable odours and shall be conveyed to the milk by sanitary piping from a point above the surface of the milk in a farm bulk tank.

(2) The piping used to convey the air in a farm bulk tank shall be designed to prevent siphoning or back-flow of milk into the air system. O. Reg. 1127/80, s. 29.

30. Every producer shall clean his farm bulk tank after each time it is empty and before it is used again by means of a cleaning compound capable of removing dirt and milk deposits and shall rinse the tank with a sanitizing agent prior to the tank's next use. O. Reg. 1127/80, s. 30.

31.—(1) Where pipelines, dumping stations, farm bulk tanks or inflations are cleaned and sanitized in place,

(a) the equipment shall be rinsed with lukewarm water immediately following milking; and

(b) the producer shall obtain from his equipment supplier or his supplier of washing compounds instructions for the procedure to be followed for cleaning and sanitizing each piece of equipment and post it on the wall of the milk house.

(2) The information to be posted under clause (1) (b) shall indicate,

(a) the analysis of the water regularly used in the washing of the bulk tank;

(b) the quantities of washing compound and water used in the washing cycle;

(c) the maximum and minimum water temperatures used in the washing cycle;

(d) the length of time used in the washing cycle;

(e) the quantities of sanitizer and water used in the sanitizing cycle; and

(f) the manufacturer's names for the washing and sanitizing compounds used.

(3) In the event acidified wash or rinse is used, such information shall be posted on the wall in the milk house in addition to the information required under subsection (2).

(4) Only detergents, wetting agents, sanitizing agents or similar compounds that are recommended by the manufacturers thereof used for the cleaning or sanitizing of pipelines, dumping stations, bulk tanks or inflations shall be used.

(5) The materials mentioned in subsection 4 shall be used in the manner recommended by the manufacturer. O. Reg. 1127/80, s. 31.

32. Upon request, a producer in the presence of a field-man shall disassemble equipment for visual inspection of milk contact surfaces. O. Reg. 1127/80, s. 32.

33. Vacuum lines shall be cleaned internally at six-month intervals or as frequently as is necessary to prevent contamination of milk or milk contact surfaces. O. Reg. 1127/80, s. 33.

TRANSPORTATION OF BULK MILK AND BULK MILK PRODUCTS

34. No tank-truck operator shall transport milk from a farm bulk tank, except a bulk tank milk grader or an apprentice bulk tank milk grader. O. Reg. 1127/80, s. 34.

35.—(1) No person shall transport milk from a farm bulk tank except in a tank-truck.

(2) No person shall transfer milk to or from a tank-truck except by means of a hose.

(3) No person shall operate a tank-truck for the transportation of milk except a tank-truck equipped with,

(a) a tank with an inside lining of stainless steel;

(b) an insulated dust-tight cabinet constructed of stainless steel for the holding of milk hose, a pump and other equipment used in transferring milk to or from the tank-truck;

(c) an insulated dust-tight cabinet for the holding of samples of milk and a means by which the samples are maintained at a temperature of not less than 1°C and not more than 4°C;

(d) a hose that has smooth surfaces, is readily cleaned, is not toxic and does not affect the flavour of milk that comes in contact with the hose; and

(e) spray-ball equipment for cleaning, by means of the continuous circulation of a cleaning

fluid, all surfaces that come in contact with milk. O. Reg. 1127/80, s. 35.

36.—(1) A tank-truck operator shall, before transferring any milk from a farm bulk tank to his tank-truck, examine the milk in the tank and, where he finds that the milk examined should be rejected, he shall not transfer any of the milk from the tank to the tank-truck but shall,

- (a) take a sample of the milk;
- (b) attach to the tank a rejection tag showing the reason for the rejection;
- (c) attempt to notify the producer; and
- (d) notify the marketing officer of the milk marketing board.

(2) Where a producer receives a rejection tag, the milk marketing board may apply to the operator of a plant for acceptance of the milk for which the rejection tag was issued.

(3) Where the operator of a tank-truck declines to transfer milk from a farm bulk tank under subsection (1), the producer shall not sell or offer for sale the milk unless it is accepted by a plant upon application under subsection (2). O. Reg. 1127/80, s. 36.

37.—(1) No tank-truck operator shall transfer milk from a farm bulk tank without determining the volume of the milk in the tank.

(2) The operator of a tank-truck, when recording the volume of milk in a farm bulk tank, shall not record a volume in excess of that for which the tank has been calibrated nor for which the gauge rod has been graduated.

(3) The operator of a tank-truck immediately after he determines the volume of the milk in a farm bulk tank shall make a report to the producer showing,

- (a) the date;
- (b) the volume of milk in the tank;
- (c) the reading of the gauge rod or other measuring device; and
- (d) the temperature of the milk.

(4) Immediately after determining the volume of the milk in a farm bulk tank, the tank-truck operator shall start the agitator.

(5) After the agitator has been in operation for at least five minutes and so much longer as may be necessary for the milk to be thoroughly mixed, the tank-truck operator shall take a sample of at least thirty millilitres of the milk or such other size sample as may be approved by the Director.

(6) Each sample of milk taken under subsection (5) shall be put into a container which shall be closed and clearly marked with the name or number of the producer.

(7) A tank-truck operator shall, after transferring the milk from a farm bulk tank to his tank-truck, rinse the tank with cold or lukewarm water.

(8) Where a composite sample of milk received from a producer is made, each sample received from the producer in a period of not more than sixteen days shall be put into one container on which is clearly marked the name or number of the producer.

(9) Where a sample of milk is added to a composite sample, the sample shall be mixed with the composite sample by a rotary method.

(10) There shall be added to every container for composite samples, on or before the addition thereto of the first sample, such quantity of a preservative approved by the Director as may be necessary to preserve the composite sample.

(11) Every sample or composite sample of milk shall be maintained at a temperature of not lower than 1°C nor higher than 4°C until the sample is tested for milk-fat content.

(12) No person shall put into a composite sample of milk,

- (a) any foreign substance, except an approved preservative; or
- (b) any milk other than samples of milk from the same producer in accordance with this section.

(13) Every sample storage depot shall provide a segregated area of sufficient size for the preparation and storage of samples for fifteen days.

(14) A sample storage depot shall be equipped with,

- (a) adequate mechanical refrigeration capacity for sample storage;
- (b) an impervious top table for sample transfer;
- (c) adequate lighting and ventilation;
- (d) a source of ice; and
- (e) storage facilities for a minimum of 5,000 vials and straws or a minimum of three months' supply.

(15) The owner of a sample storage depot shall maintain the area,

- (a) in a clean and orderly manner; and
- (b) in a temperature range between 10°C and 32°C.

(16) Samples shall be kept in a sample storage depot and shall be readily available for pick-up and transport to a laboratory approved by the Director. O. Reg. 1127/80, s. 37.

38.—(1) Subject to subsection (2), the operator of a tank-truck used in the transportation of milk shall, immediately after each load of milk is emptied, thoroughly clean and sanitize all surfaces of the tank-truck that come in contact with milk or cause such surfaces to be so cleaned and sanitized.

(2) Where more than one load of milk is emptied from a tank-truck in any one day, the operator of the tank-truck shall, immediately after the last load of milk is emptied, thoroughly clean and sanitize all surfaces of the tank-truck that come in contact with milk.

(3) The cleaning and sanitizing prescribed by subsections (1) and (2) shall be carried out at a tank-truck wash station or a bulk milk transfer station.

(4) After each cleaning and sanitizing of a tank-truck at a tank-truck wash station, the operator of the tank-truck shall,

- (a) determine by inspection that the tank-truck is clean and sanitary; and
- (b) keep a record of such cleaning and sanitizing in a form approved by the Director and retain such record for a period of sixty days.

(5) Every operator of a tank-truck shall maintain in a clean condition all surfaces of the tank-truck that do not come in contact with milk. O. Reg. 1127/80, s. 38.

39.—(1) Every plant shall be equipped with or the operator thereof shall have readily available a tank-truck wash station that complies with the provisions of section 41.

(2) The use of a tank-truck wash station and the equipment and materials for cleaning and sanitizing tank-trucks shall be made available by the operator of a plant without charge to operators of tank-trucks delivering milk to the plant.

(3) The operator of a plant is not required to provide personnel to clean and sanitize tank-trucks, but is responsible for the proper functioning of tank-truck washing equipment. O. Reg. 1127/80, s. 39.

40.—(1) Owners of bulk milk transfer stations and plants providing tank-truck washing facilities shall post on the wall of the facility in a prominent place the procedure to be used for cleaning a bulk tank-truck including,

- (a) the quantities of washing compound and water used in the washing cycle;
- (b) the maximum and minimum water temperatures used in the washing cycle;
- (c) the length of time used in the washing cycle;

- (d) the quantities of sanitizer and water used in the sanitizing cycle;
- (e) the manufacturer's names for the washing and sanitizing compounds used;
- (f) the instructions as to the procedures to be used in operating the equipment for cleaning the bulk tank-truck; and
- (g) the name of the person to be contacted in the event of equipment failure or other information required to operate the wash-up facilities.

(2) In the event acidified wash or rinse is used, such information shall be posted in addition to the information required under subsection (1). O. Reg. 1127/80, s. 40.

41. Every tank-truck wash station shall,

- (a) have clear space sufficient for cleaning and sanitizing tank-trucks;
- (b) have a floor,
 - (i) capable of supporting tank-trucks without sagging or heaving,
 - (ii) with a smooth surface that is impermeable to liquids,
 - (iii) that has a minimum of 2 per cent slope towards the floor drain;
- (c) have a drain that can be maintained in a sanitary condition located in the floor in an open position with a diameter of at least 150 millimetres and capable of draining any liquids from the floor;
- (d) have, under pressure, an adequate supply of potable hot and cold water;
- (e) have an adequate supply of the materials required for cleaning and sanitizing tank-trucks;
- (f) have adequate means for cleaning small parts and the milk hose;
- (g) have a pump with sufficient capacity and pressure to thoroughly clean all surfaces that come in contact with milk;
- (h) have a return pump with a capacity equal to or greater than the capacity of the pump mentioned in clause (g) to remove the cleaning solution; and
- (i) have adequate means of sanitizing all surfaces that come in contact with milk. O. Reg. 1127/80, s. 41.

42.—(1) Only detergents, wetting agents, sanitizing agents or other similar materials that are recommended

by the manufacturers thereof for the cleaning or sanitizing of tank-trucks shall be used at a tank-truck station or at a bulk tank transfer station.

(2) The materials mentioned in subsection (1) shall,

- (a) be used in the manner recommended by the manufacturers; and
- (b) be prepared and maintained for use by the operator of the tank-truck wash station. O. Reg. 1127/80, s. 42.

43.—(1) No person shall transport milk or cream for manufacture into a milk product in a tank-truck other than a tank-truck having a tank with an inside lining of stainless steel that is free from rust, open seams and other mechanical defects.

(2) No operator of a plant shall receive milk or cream delivered to the plant in a tank-truck other than a tank-truck having a tank with an inside lining of stainless steel that is free from rust, open seams and other mechanical defects.

(3) No transporter shall engage in the purchasing or selling of milk or the trafficking in milk unless so authorized by the milk marketing board. O. Reg. 1127/80, s. 43.

MILK GRADING QUALITY TESTS AND PENALTIES

44.—(1) Subject to subsections (2) and (3), no person other than a milk and cream grader shall select, grade, reject, measure or sample, or supervise the selecting, grading, rejecting, measuring or sampling of milk or cream in a farm bulk tank or received in a plant.

(2) A bulk tank milk grader may select, grade, reject, measure or sample milk in a farm bulk tank.

(3) An apprentice milk and cream grader or an apprentice bulk tank milk grader may select, grade, reject, measure or sample milk or cream while supervised by a milk and cream grader or by a bulk tank milk grader. O. Reg. 1127/80, s. 44.

45.—(1) Milk rejected at a plant or at a farm bulk tank shall be known as "rejected milk".

(2) No person shall sell, offer for sale, transport or deliver rejected milk for use as food, or in the preparation of food, for human consumption unless so authorized by the milk marketing board. O. Reg. 1127/80, s. 45.

46. The milk and cream grader at a plant shall select or reject milk delivered by a tank-truck before any of the milk is removed from the tank-truck other than for testing purposes. O. Reg. 1127/80, s. 46.

47. The milk and cream grader at a plant or a bulk tank milk grader shall reject milk that,

- (a) is not sweet and clean;
- (b) has an objectionable flavour or odour;
- (c) shows evidence of being watery, flaky, stringy, bloody, thick or adulterated;
- (d) shows evidence of melted or churned fat floating on the surface of the milk; or
- (e) contains any foreign substance, including insects and vermin. O. Reg. 1127/80, s. 47.

48.—(1) The milk of every producer,

- (a) shall be tested at least once in each month,
 - (i) for bacterial content by a plate loop test, and
 - (ii) for the presence of inhibitors; and
- (b) may be tested for added water at any time,

at a laboratory approved by the Director.

(2) The Director shall notify the producer and the milk marketing board in writing of the results of any tests made under this section. O. Reg. 1127/80, s. 48.

49.—(1) Where milk of a producer is tested under section 48 and is found to contain an inhibitor, a field-man shall place under detention all milk of the producer for such period of time as is necessary to determine that such milk contains no inhibitor.

(2) Where a field-man places milk under detention under subsection (1), such samples of milk as are necessary shall be taken and delivered to a laboratory approved by the Director for testing for the presence of an inhibitor.

(3) Where the testing of a sample under subsection (2) shows the presence of an inhibitor, the field-man shall,

- (a) notify the producer of the test results;
- (b) notify the milk marketing board that the milk from which the sample was taken shall not be marketed;
- (c) take such steps and make such orders as are considered necessary to ensure that such milk is not used for food, or in the preparation of food, for human consumption; and
- (d) maintain the detention, sampling and testing of the milk of the producer until such time as the results of the testing show that no inhibitor is present in such milk. O. Reg. 1127/80, s. 49.

50. The grades for milk, when tested for bacterial content, are,

- (a) grade 1, for milk that contains less than 100,000 bacteria in a millilitre of the milk; and
 - (b) grade 2, for milk that contains 100,000 or more bacteria in a millilitre of the milk.
- O. Reg. 1127/80, s. 50.

51.—(1) Where the milk of a producer grades 2 in two of any three consecutive monthly tests, the producer is, in respect of the milk marketed in the month in which the milk last graded 2, liable to a penalty of,

- (a) 60 cents per hectolitre in the case of a first or second penalty; and
- (b) \$1.20 per hectolitre in the case of a third or subsequent penalty,

incurred within any twelve-month period.

(2) Where in any month the milk of a producer is found to contain an inhibitor, the producer is, in respect of the milk marketed in that month, liable to a penalty of,

- (a) 60 cents per hectolitre where the presence of the inhibitor is established on the basis of the test made under section 48; and
- (b) \$1.20 per hectolitre where the presence of the inhibitor is established on the basis of the test prescribed by section 49.

(3) Where in any month the milk of a producer is tested and found to contain added water, the producer is, in respect of the milk marketed in that month, liable to a penalty of,

- (a) 60 cents per hectolitre in the case of a first or second penalty; and
- (b) \$1.20 per hectolitre in the case of a third or subsequent penalty,

incurred within any twelve-month period.

(4) Any penalty to which a producer is liable in any month under subsection (1), (2) or (3) is in addition to any penalty that may be levied under any other of the said subsections.

(5) Where a producer incurs six penalties under subsection (1) within any twelve-month period,

- (a) the Director shall so notify the milk marketing board and the producer in writing; and
- (b) the milk marketing board shall cause the milk of the producer to be rejected until the producer establishes that the milk produced complies with the requirements of grade 1 as prescribed by clause 50 (a).

(6) Where a producer incurs four penalties under subsection (2) within any twelve-month period,

- (a) the Director shall so notify the milk marketing board and the producer in writing; and
- (b) the milk marketing board shall, after the field-person removes the detention required by section 49, cause the milk of the producer to be rejected until the producer satisfies the Director that no milk will be sold or offered for sale that contains any inhibitor.

(7) Where a producer incurs four penalties under subsection (3) within any twelve-month period,

- (a) the Director shall so notify the milk marketing board and the producer in writing; and
- (b) the milk marketing board shall cause the milk of the producer to be rejected until the producer satisfies the Director that no milk will be sold or offered for sale to which water has been added in any form or in any manner.

(8) A notice given to a producer under subsection (5), (6) or (7) shall,

- (a) notify the producer that the milk will be rejected by the milk marketing board for the reasons set out in the notice; and
- (b) give particulars respecting the duration of the rejection.

(9) Where the milk of a producer is rejected under subsection (5), (6) or (7), the producer is also liable to any penalty to which he is otherwise liable under subsection (1), (2), (3) or (4). O. Reg. 1127/80, s. 51.

52.—(1) Where a producer becomes liable to a penalty under section 51 in respect of milk marketed in any month,

- (a) the Director shall give notice in writing to the producer and the milk marketing board of the penalty payable and the method of calculation thereof;

- (b) the producer shall pay the penalty to the milk marketing board on or before the 15th day of the next following month; and

- (c) the milk marketing board shall collect the penalty from the producer.

(2) The milk marketing board shall,

- (a) pay the penalties into a fund established for that purpose; and
- (b) use the fund for the purpose of paying its expenses, carrying out and enforcing the Act and the regulations and carrying out the purposes of The Ontario Milk Marketing Plan. O. Reg. 1127/80, s. 52.

53. Every sample of milk referred to in section 37 shall be tested for milk-fat content by an Infra Red Milk

Analyzer at a laboratory approved by the Commission, and the test of each sample shall be made,

- (a) in the case of a composite sample, within five days after the last sample was added to the composite sample; or
- (b) in any other case, within five days of the date on which the sample was taken. O. Reg. 1127/80, s. 53.

54.—(1) Where a composite sample is made of the milk of a producer, the milk-fat content of the composite sample shall be deemed to be the milk-fat content of the milk from which the samples were taken.

(2) Where samples of the milk of a producer are submitted immediately to a laboratory for analysis, the arithmetic average of the milk-fat content of the samples shall be deemed to be the milk-fat content of the milk from which the samples were taken. O. Reg. 1127/80, s. 54.

55.—(1) Fees for sampling and testing milk shall be paid to the Treasurer of Ontario by the milk marketing board and by the operators of plants to which milk is supplied, the aggregate of which shall be an amount equal to two-thirds of the cost to the Ministry of Agriculture and Food of the sampling and testing.

(2) Where milk is supplied to a plant, one-half of the fee payable under this section shall be paid by the milk marketing board and one-half by the operator of the plant.

(3) Every operator of a plant to which milk is supplied shall pay the fees payable under this section to the milk marketing board.

(4) The milk marketing board shall remit to the Treasurer of Ontario,

- (a) the fees received from plant operators under subsection (3); and
- (b) the fees payable by the milk marketing board under this section.

(5) The Director is authorized to adopt or settle by agreement with the milk marketing board and the Ontario Dairy Council,

- (a) the charges, cost or expenses relating to the sampling and testing of milk that constitute the cost to the Ministry of sampling and testing;
- (b) a formula for calculating the fee that shall be paid to the Treasurer on a fee per hectolitre basis; and
- (c) the time and manner of payment of such fees. O. Reg. 1127/80, s. 55.

PLANTS

56. The construction or alteration of a building intended for use as a plant shall be made so that,

- (a) the floors of all rooms in which milk or milk products are handled, processed or stored are of concrete or other material impervious to liquids, and drained;
- (b) each wall in a room in which milk or milk products are handled, processed or stored has a base at least 150 millimetres above the floor level made of concrete or other waterproof material, and the joint between the floor and the base is watertight;
- (c) the ceiling of a room in which processing is done is at least three metres above the floor;
- (d) the surfaces of the walls and ceilings of all rooms in which milk or milk products are handled, processed or stored are of washable and moisture-proof material;
- (e) there is provision for equipping all openings with screens or other approved equipment capable of preventing the entry of flies or other insects and all doors with self-closing devices or equivalent methods of ensuring that flies or other insects do not enter;
- (f) rooms where milk and cream are handled or processed contain provision for lighting, ventilating and heating;
- (g) the ceilings in the plant are insulated and sealed against infiltration of dampness or vapour, with free circulation of air between the insulation and the roof;
- (h) a washroom does not open directly into a room where milk or milk products are handled or processed and doors are equipped with a self-closing device;
- (i) sewage is carried from the building by pipes, each of which contains a trap in an accessible location and connects with a municipal sewer or septic tank;
- (j) any heating unit is located in a room having a concrete floor and not used for the handling, processing or storing of milk or milk products;
- (k) in the case of,
 - (i) a cheese factory, there is a curing-room large enough for the operation intended,
 - (ii) a creamery, there is a cold storage room of a size large enough to hold at least seven days' production of butter, and

- (iii) a building intended for use as a plant for the manufacture of milk products other than butter or cheese, there are storage rooms large enough for the operation intended,

capable of being equipped with an automatic temperature-control system;

- (l) receiving rooms for milk and cream are enclosed and of sufficient size to permit freedom of movement in receiving, grading, sampling and handling of milk and cream and, where applicable, the washing of containers; and
- (m) rodents and other vermin do not enter or remain on the premises. O. Reg. 1127/80, s. 56.

EQUIPMENT

57.—(1) A plant shall be equipped with,

- (a) a wash basin in each room where milk or milk products are processed;
- (b) a temperature-control system capable of automatically controlling the temperature in each curing-room, cold-storage room or storage room for efficient processing or preserving of milk or milk products therein;
- (c) a boiler or other equipment capable of maintaining a supply of hot water or steam sufficient for processing milk and cream, and hot water for cleaning and sterilizing the equipment and rooms used in receiving, handling, processing or storing milk or milk products; and
- (d) thermometers,
 - (i) of shatter-proof material, and
 - (ii) on equipment used in processing, cleaning or sterilizing milk or milk products, capable of recording the temperature of the milk or milk product.

(2) A creamery shall be equipped with a pasteurizer having a capacity of at least 1350 litres and a churn capable of manufacturing at least 450 kilograms of butter at one time.

(3) Where a plant is equipped with conveyors for moving containers of cream in the receiving room, the conveyors shall be of sufficient length and in such locations that the cream can be readily graded, sampled and weighed and, where cream is rejected, the containers can be moved on a conveyor other than the conveyor used for incoming containers. O. Reg. 1127/80, s. 57.

58.—(1) Where equipment or containers for handling, processing or storing milk or milk products are of

metal, the surfaces likely to come in contact with milk or milk products shall be,

- (a) smooth and anti-corrosive;
- (b) without open seams;
- (c) accessible at all points for scrubbing; and
- (d) made with joints that are flush with adjoining surfaces.

(2) Wooden equipment used in a plant shall be of sound material with smooth surfaces, and joints or seams shall be sealed.

(3) Tanks used for storing skim-milk, buttermilk or whey that is not intended for human consumption or for processing milk into milk products for human consumption in a plant,

- (a) shall be of metal construction;
- (b) shall not be located in contact with earth; and
- (c) shall not be used for any other purpose. O. Reg. 1127/80, s. 58.

PROCESSING

59.—(1) The handling, processing or storing of milk or milk products shall be carried on in such a location and in such a manner that no matter foreign to the milk or milk product being handled, processed or stored can enter the milk or milk product.

(2) Nothing shall be placed in a milk or milk products storage area that may contaminate or deteriorate the milk or milk products being stored in that area.

(3) No plant shall contain odours other than those resulting from the handling, processing or storing of fresh milk or fresh milk products. O. Reg. 1127/80, s. 59.

60.—(1) Where milk is accepted at a plant and is not used within a reasonable time in the processing of a milk product, the milk shall be cooled to a temperature not higher than 10°C and maintained in storage at that temperature until it is used in the manufacture of a milk product or a fluid milk product.

(2) No milk in storage under subsection (1) shall be used in the processing of a milk product where the milk on removal from storage does not comply with the standards required for milk to be accepted at the plant when delivered to it.

(3) No stale or rancid cream, butter, ice cream or ice milk shall be used in the preparation of ice cream mix or ice milk mix or in the processing of ice cream or ice milk. O. Reg. 1127/80, s. 60.

PASTEURIZATION

61.—(1) No person shall sell or offer for sale, ice cream mix or use ice cream mix in the processing of ice cream, except pasteurized ice cream mix.

(2) No person shall sell or offer for sale, ice milk mix or use ice milk mix in the processing of ice milk, except pasteurized ice milk mix.

(3) Ice cream mix or ice milk mix shall be pasteurized by heating the mix,

- (a) to a temperature of at least 69°C and maintaining that temperature for not less than thirty minutes;
- (b) to a temperature of at least 80°C and maintaining that temperature for not less than sixteen seconds; or
- (c) to such other temperature and time combination as may be approved by the Director,

and cooling the mix immediately thereafter to a temperature not higher than 10°C. O. Reg. 1127/80, s. 61.

62.—(1) No person shall use cream in the manufacture of butter at a plant, except cream pasteurized by heating the cream,

- (a) to a temperature of at least 77°C and maintaining that temperature for not less than ten minutes;
- (b) in a continuous pasteurizer to a temperature of at least 85°C; or
- (c) to such other temperature and time combination as may be approved by the Director,

and cooling the cream immediately thereafter to a temperature not higher than the temperature suitable for churning the cream.

(2) Where a field-man tests butter to determine whether the cream used in its manufacture was pasteurized, he shall make a Storch test.

(3) Where a Storch test is made of a sample of butter and the butter serum retains its colour for at least thirty seconds, the cream used in the manufacture of the butter shall be deemed to have been pasteurized. O. Reg. 1127/80, s. 62.

63. Where milk delivered to a cheese factory for the purpose of making cheese is pasteurized, the milk shall be pasteurized by heating it,

- (a) to a temperature of at least 62°C and maintaining that temperature for not less than thirty minutes;
- (b) to a temperature of at least 72°C and maintaining that temperature for not less than sixteen seconds; or

- (c) to such other temperature and time combination as may be approved by the Director,

and cooling the milk immediately thereafter to a temperature not higher than the temperature suitable for setting the milk. O. Reg. 1127/80, s. 63.

64.—(1) No operator shall deliver skim-milk or whey to a producer of milk or cream except pasteurized skim-milk or whey.

(2) Skim-milk and whey shall be pasteurized by heating the skim-milk or whey to a temperature of at least 69°C and maintaining that temperature for a period of not less than thirty minutes or to such other temperature and time combination as may be approved by the Director. O. Reg. 1127/80, s. 64.

65.—(1) Where cream of Special Grade or First Grade is accepted at a plant for the making of butter and is not used immediately, the cream shall be cooled to a temperature not higher than 10°C and maintained in proper storage at that temperature until it is so used.

(2) Where cream has been in storage under subsection (1) and is removed from storage and fails to comply with the standards of at least First Grade cream, it shall not be churned for the making of butter with Special Grade or First Grade cream. O. Reg. 1127/80, s. 65.

66. No person shall deliver to a producer skim-milk, buttermilk or whey in a container used for delivering cream to a plant. O. Reg. 1127/80, s. 66.

CLEANING AND SANITIZING

67.—(1) Any part of a plant, except raw milk storage tanks but including piping, pumps, containers, tanks and other equipment that is in contact with or likely to be in contact with milk or milk products, shall be cleaned and sanitized at least once every twenty-four hours.

(2) Raw milk storage tanks shall be emptied, cleaned and sanitized at least once every forty-eight hours.

(3) The floor of each room in a plant in which milk or milk products are handled or processed shall be scrubbed and rinsed with fresh water at least once every twenty-four hours.

(4) The walls and ceilings of each room in a plant in which milk or milk products are handled, processed or stored and the floor of each room in a plant in which milk or milk products are stored shall be scrubbed and rinsed at such times as may be necessary to remove any noticeable accumulation of soil. O. Reg. 1127/80, s. 67.

PERMITS AND LICENSING

PERSONNEL

68. The holder of,

- (a) a bulk tank milk grader's certificate is classified as a bulk tank milk grader;
- (b) a milk and cream grader's certificate is classified as a milk and cream grader;
- (c) a milk and cream tester's certificate is classified as a milk and cream tester;
- (d) an apprentice bulk tank milk grader's certificate is classified as an apprentice bulk tank milk grader;
- (e) an apprentice milk and cream grader's certificate is classified as an apprentice milk and cream grader; and
- (f) an apprentice milk and cream tester's certificate is classified as an apprentice milk and cream tester. O. Reg. 1127/80, s. 68.

69.—(1) Subject to subsection (2), no person other than a milk and cream tester shall test for milk-fat content or supervise the testing of milk or cream received at a plant.

(2) An apprentice milk and cream tester may test milk or cream for milk-fat content while supervised by a milk and cream tester. O. Reg. 1127/80, s. 69.

70.—(1) An application for a milk and cream tester's certificate, a milk and cream grader's certificate, a bulk tank milk grader's certificate, an apprentice bulk tank milk grader's certificate, an apprentice milk and cream tester's certificate or an apprentice milk and cream grader's certificate shall be made to the Director on a form provided by the Director.

(2) The information contained in an application for a certificate mentioned in subsection (1) shall include,

- (a) the applicant's name, address and phone number;
- (b) the name and address of the plant or transporter where the applicant is employed;
- (c) the present duties of the applicant;
- (d) his dairy experience;
- (e) the name of the dairy school attended by the applicant;
- (f) the year the dairy diploma was issued to the applicant; and
- (g) the signature of the applicant.

(3) A certificate mentioned in subsection (1) expires with the 31st day of March in the third year next following the year in which it is issued except certificates issued to apprentices which expire one month following the next available training course.

(4) The fee for a certificate mentioned in subsection (1) is \$5.

(5) Where an applicant for a certificate mentioned in subsection (1) fails to qualify for the issuance of the certificates, the Director shall refund the fee to the applicant. O. Reg. 1127/80, s. 70.

71.—(1) Subject to the approval of the Director, certificates shall be issued for,

- (a) bulk tank milk graders;
- (b) milk and cream graders;
- (c) milk and cream testers;
- (d) apprentice bulk tank milk graders;
- (e) apprentice milk and cream testers; and
- (f) apprentice milk and cream graders.

(2) A certificate mentioned in subsection (1) shall bear,

- (a) the certificate number;
- (b) the name and address of the certificate holder;
- (c) the expiry date of the certificate;
- (d) the Director's signature; and
- (e) the date of issue. O. Reg. 1127/80, s. 71.

72.—(1) An applicant for a milk and cream tester's certificate shall, where the Director considers it advisable, be examined by examiners appointed by the Director,

- (a) on his ability to sample and test milk and cream; and
- (b) on his knowledge of,
 - (i) the handling, sampling and testing of milk and cream for milk-fat content,
 - (ii) the principles of grading milk and cream, and
 - (iii) the sanitary requirements for plants and the provisions of the Act and the regulations pertaining thereto.

(2) An applicant for a milk and cream grader's certificate or bulk tank milk grader's certificate shall, where the Director considers it advisable, be examined

by examiners appointed by the Director on his knowledge of,

- (a) the handling, sampling, grading, rejecting, measuring and weighing of milk and cream;
- (b) the principles of testing milk and cream for milk-fat content;
- (c) tests for accurately determining the amount of bacteria and acid in milk or cream; and
- (d) the sanitary requirements for plants and the provisions of the Act and the regulations pertaining thereto. O. Reg. 1127/80, s. 72.

73. Where an applicant is found by the examiners to be competent to perform the duties that the certificate he applies for qualifies him to perform, the Director shall issue him a certificate. O. Reg. 1127/80, s. 73.

74. An apprentice bulk tank milk grader's certificate, an apprentice milk and cream tester's certificate or an apprentice milk and cream grader's certificate shall be issued to an applicant therefor. O. Reg. 1127/80, s. 74.

75. The Director may require a milk and cream tester, a milk and cream grader or a bulk tank milk grader to be re-examined at any time the Director considers necessary. O. Reg. 1127/80, s. 75.

76. A certificate issued under section 73 or 74 is issued on the terms and conditions that the holder of the certificate,

- (a) submits to re-examination from time to time as the Director considers necessary;
- (b) conforms to the requirements of the Act and regulations pertaining to the holder's duties;
- (c) where the holder is employed in one plant, conspicuously displays the certificate in the plant in which the holder is usually employed;
- (d) where the holder is employed in more than one plant or operates a tank truck, has the certificate available for production on request; and
- (e) does not cease for a period of three years to perform the duties that the certificate qualifies the holder to perform. O. Reg. 1127/80, s. 76.

77. The Director may, after a hearing, suspend or revoke a certificate issued under section 73 or 74,

- (a) where the holder of the certificate fails to comply with the terms and conditions upon which the certificate is issued; or
- (b) where the holder of the certificate is found on re-examination to be not competent to per-

form the duties that the certificate qualifies the holder to perform. O. Reg. 1127/80, s. 77.

78. The holder of a dairyworker's certificate is classified as a dairyworker. O. Reg. 1127/80, s. 78.

79.—(1) An application for a dairyworker's certificate shall be made to the Director on a form provided by the Director.

(2) The information contained in an application for a dairyworker's certificate shall include,

- (a) the applicant's name, address and phone number;
- (b) the name and plant address of the applicant's present employer;
- (c) the applicant's present plant duties;
- (d) the name and address of the plant in which the applicant intends to be the holder of a certificate;
- (e) the applicant's previous experience;
- (f) the name of the dairy school the applicant attended;
- (g) the year in which a dairy diploma was issued to the applicant;
- (h) the applicant's other academic training;
- (i) the names of certificates held by the applicant; and
- (j) the signature of the applicant.

(3) The fee for a dairyworker's certificate or renewal thereof is \$5 and shall accompany the application therefor.

(4) Subject to the approval of the Director, a dairyworker's certificate shall be issued to an applicant and shall bear,

- (a) the certificate number;
- (b) the name and address of the certificate holder;
- (c) the option qualified for;
- (d) the expiry date of the certificate;
- (e) the Director's signature; and
- (f) the date of issue. O. Reg. 1127/80, s. 79.

80. A dairyworker's certificate shall not be issued unless the person to whom it is issued,

- (a) is the holder of a diploma from Kemptville Dairy School, Ontario Agricultural College Dairy School or other agricultural educational institution that in the opinion of the Director has equivalent courses of study and practical training in dairy product processing; or
- (b) was the holder of a dairyworker's certificate within three years before the date of application for the certificate; and
- (c) is a milk and cream tester and a milk and cream grader. O. Reg. 1127/80, s. 80.

81. Notwithstanding section 80, a dairyworker who did not hold a dairyworker's certificate in the year immediately preceding the date of his application, but did hold a dairyworker's certificate under this Regulation within three years before the date of his application, may be issued a dairyworker's certificate. O. Reg. 1127/80, s. 81.

82. A dairyworker's certificate is valid from the date of issue to the 31st day of March next following. O. Reg. 1127/80, s. 82.

83.—(1) A dairyworker's certificate is issued on the terms and conditions that the holder of the certificate,

- (a) conforms to the requirements of the Act and the regulations pertaining to the holder's duties; and
- (b) conspicuously displays the certificate in the plant in which the holder is usually employed.

(2) The Director may, after a hearing, suspend or revoke a dairyworker's certificate for any failure to comply with the terms and conditions upon which the certificate is issued. O. Reg. 1127/80, s. 83.

84. The holder of a variety cheesemaker's certificate is classified as a variety cheesemaker. O. Reg. 1127/80, s. 84.

85.—(1) An application for a variety cheesemaker's certificate shall be made to the Director on a form provided by the Director.

(2) The information contained in the application shall include,

- (a) the applicant's name, address and phone number;
- (b) the name and plant address of the applicant's present employer;
- (c) the applicant's present plant duties;
- (d) the name and address of the plant in which the applicant intends to be the holder of the certificate;

- (e) the applicant's previous plant experience;
- (f) the name of the dairy school attended by the applicant;
- (g) the year in which a dairy diploma was issued to the applicant;
- (h) details of the applicant's other academic training;
- (i) the names of certificates held by the applicant; and
- (j) the signature of the applicant.

(3) The fee for a variety cheesemaker's certificate or renewal thereof is \$5 and shall accompany the application therefor.

(4) Subject to the approval of the Director, a variety cheesemaker's certificate shall be issued to the applicant and shall bear,

- (a) the certificate number;
- (b) the name and address of the certificate holder;
- (c) the expiry date of the certificate;
- (d) the Director's signature; and
- (e) the date of issue. O. Reg. 1127/80, s. 85.

86. A variety cheesemaker's certificate shall not be issued unless the person to whom it is issued,

- (a) is the holder of a diploma from Kemptville Dairy School, Ontario Agricultural College Dairy School or other agricultural educational institution that in the opinion of the Director has equivalent courses of study and practical training in respect of the making of cheese; or

- (b) was the holder of a variety cheesemaker's certificate within three years before the date of his application for the certificate; and

- (c) is a milk and cream tester and milk and cream grader. O. Reg. 1127/80, s. 86.

87. Upon application therefor, a variety cheesemaker's certificate shall be issued to a person who qualifies under section 86, and who,

- (a) was a cheesemaker for a period of at least three months in the year ending with the 31st day of March preceding the period for which the certificate is issued; and
- (b) was in charge of the making of cheese other than cheddar cheese in a cheese factory for that year. O. Reg. 1127/80, s. 87.

88. Notwithstanding sections 86 and 87, a variety cheesemaker who did not hold a variety cheesemaker's certificate in the year immediately preceding the date of his application but did hold a variety cheesemaker's certificate under this Regulation within three years before the date of his application may be issued a variety cheesemaker's certificate. O. Reg. 1127/80, s. 88.

89. A variety cheesemaker's certificate is valid from the date of issue to the 31st day of March next following. O. Reg. 1127/80, s. 89.

90.—(1) A variety cheesemaker's certificate is issued on the terms and conditions that the holder of the certificate,

- (a) conforms to the requirements of the Act and the regulations pertaining to the holder's duties; and
- (b) conspicuously displays the certificate in the plant in which the holder is usually employed.

(2) The Director may, after a hearing, suspend or revoke a variety cheesemaker's certificate for any failure to comply with the terms and conditions upon which the certificate is issued. O. Reg. 1127/80, s. 90.

PLANT LICENCES

91.—(1) An application for a permit to construct or alter a building intended for use as a plant, or for the alteration of a plant, the operation of which is licensed under the Act, shall be made to the Director on a form provided by the Director and prior to the construction or alteration of the building or the alteration of the plant.

(2) The information contained in an application for a permit mentioned in subsection (1) shall include, in the case of a building intended for use as a plant,

- (a) the applicant's name, address and phone number;
- (b) the intended use of the building;
- (c) the products to be manufactured;
- (d) the location of the building; and
- (e) the signature of the applicant.

(3) An application for a permit mentioned in subsection (1) shall be accompanied by two copies of drawings and specifications of the proposed construction or alteration, one copy to be retained by the Director and the second copy to be returned to the applicant. O. Reg. 1127/80, s. 91.

92. Subject to the approval of the Director, a permit to construct or alter a building intended for use as a plant or to alter a plant shall be issued to the applicant and shall bear,

- (a) the applicant's name and address;
- (b) the Director's signature; and
- (c) the date of issue. O. Reg. 1127/80, s. 92.

93. A permit to construct or alter a building intended for use as a plant or to alter a plant is issued on the terms and conditions that,

- (a) the location of the plant is on land that is well drained and readily accessible;
- (b) the building being constructed or altered or the plant being altered has a supply of clean, fresh water, and has facilities for disposal of sewage sufficient for the purposes of the operation of the plant as constructed or altered;
- (c) the construction or alteration of the building or alteration of the plant is carried out in accordance with the drawings and specifications submitted with the application; and
- (d) the applicant has complied with the provisions of municipal by-laws and Acts or regulations applicable to the construction or alteration being made. O. Reg. 1127/80, s. 93.

94.—(1) An application for a licence to operate a plant, or a renewal thereof, shall be made to the Director on a form provided by the Director prior to the operation of a plant for which licensing is required under the Act.

(2) Subject to the approval of the Director, a licence to operate a plant shall be issued to the applicant and shall bear,

- (a) the licence number;
- (b) the name and address of the licensee;
- (c) the name and address of the plant;
- (d) the type of plant;
- (e) the effective date and expiry date of the licence;
- (f) the Director's signature; and
- (g) the date of issue.

(3) A licence for the operation of a plant,

- (a) becomes effective on the 1st day of June or the date on which it is issued, whichever is the later; and
- (b) expires with the 31st day of May next following the date on which it becomes effective.

(4) A licence may be limited to one or more classes of plants.

(5) The fee for a licence for the operation of a plant or for renewal thereof, is \$50.

(6) A licence to operate a plant is not transferable. O. Reg. 1127/80, s. 94.

95. The Director may refuse to issue or renew a licence for the operation of a plant,

- (a) where the applicant is not qualified by experience, financial responsibility, personnel or equipment to properly engage in the business for which the application was made;
- (b) where the applicant fails to deposit the security required under section 110;
- (c) where the applicant fails to observe, perform or carry out the requirements of the Act, the regulations, any plan, agreement or award, or any order of the Commission, the Director, the milk marketing board or the cream marketing board;
- (d) where, in the opinion of the Director, any material representation or information made or provided by or on behalf of the applicant is false or misleading;
- (e) where the applicant does not file with the Director the cash or credit basis for the payment of producers for milk or cream;
- (f) where the applicant does not comply with the provisions of the *Public Health Act* and the regulations made thereunder;
- (g) where, in the opinion of the Director, the issuance or renewal of the licence is not in the public interest having regard to the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors;
- (h) where, in the opinion of the Director, the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business will not be carried on in accordance with law and with honesty and integrity;
- (i) where the applicant or, where the applicant is a corporation, any officer, director or servant thereof, or any person who is or will be in any way associated with the applicant in the operation of the business, has contravened or has permitted any person under his control or direction in connection with the business to contravene any provision of the Act or the regulations or of any other Act or the regulations thereunder or of any law of any jurisdiction applying to the carrying on of the business and, in the opinion of the Director, such contravention warrants the refusal to issue or renew the licence;

(j) in respect of which a grant was paid under the Plant Consolidation Assistance Program established under section 5 of the *Ministry of Agriculture and Food Act*; or

(k) where, having regard to the needs of the producers in the locality in which the plant is located and to the facilities of other plants in operation, the Director is of the opinion that the plant is not necessary or desirable. O. Reg. 1127/80, s. 95.

96. Every person who operates more than one plant is required to be the holder of a licence in respect of each plant and shall be deemed to be a separate operator in respect of each such plant. O. Reg. 1127/80, s. 96.

97.—(1) A licence to operate a plant is issued on the terms and conditions that,

- (a) in the case of a creamery, the person in charge of buttermaking holds a dairyworker's certificate with a buttermaker's option;
- (b) in the case of a cheese factory, the person in charge of cheesemaking holds a dairyworker's certificate with a cheesemaker's option or a variety cheesemaker's certificate;
- (c) the holder of the licence does not permit any employee to work in the plant,
 - (i) while the employee has a communicable disease, or
 - (ii) who is not wearing outer clothing that is clean and light in colour;
- (d) in the case of cream, the holder of the licence pays the producers on or before the following dates according to the cash or credit basis filed with the Director:
 1. Where cream is purchased on a daily basis, the day on which the cream is received.
 2. Where cream is purchased on a weekly credit basis, the Monday following the end of any week for the cream received during the week.
 3. Where cream is purchased on a bi-weekly credit basis, the 10th day following the end of the two-week period for the cream received during the period.
 4. Where cream is purchased on a basis other than a basis set out in paragraph 1, 2 or 3, on such day or days as are approved by the Director.
- (e) in the case of milk, the holder of the licence pays the milk marketing board in accordance with the regulations pertaining thereto; and

- (f) the holder of the licence observes, performs and carries out the provisions of the Act, the regulations, any plan, agreement or award or any order of the Commission, the Director, the milk marketing board or the cream marketing board.

(2) The Director may, after a hearing, suspend or revoke a licence issued under section 94 for any failure to comply with the terms and conditions upon which it is issued. O. Reg. 1127/80, s. 97.

98. The following classes of distributors are designated:

1. Non-processor-distributors.
2. Processor-distributors.
3. Shopkeeper-distributors. O. Reg. 1127/80, s. 98.

99.—(1) An application for the issue or renewal of a licence to carry on business as a non-processor-distributor, processor-distributor or shopkeeper-distributor shall be made to the Director on a form provided by the Director.

(2) Subject to the approval of the Director, a licence as a non-processor-distributor, processor-distributor or shopkeeper-distributor shall be issued to the applicant and shall bear,

- (a) the licence number;
- (b) the type of licence issued;
- (c) the distribution area or municipalities in which the distributor may deliver, sell or distribute;
- (d) the year for which the licence is issued;
- (e) the name and address of the licensee;
- (f) the name of the dairy;
- (g) the effective date of the licence;
- (h) the expiry date of the licence;
- (i) the Director's signature; and
- (j) the date of issue of the licence.

(3) A licence to carry on business as a non-processor-distributor or processor-distributor,

- (a) becomes effective on the 1st day of June or the date on which it is issued, whichever is later; and
- (b) expires with the 31st day of May next following the date on which it becomes effective.

(4) The fee for a licence is,

- (a) for a non-processor-distributor, \$25; and
- (b) for a processor-distributor, \$50.

(5) Every shopkeeper-distributor, so long as he observes, performs and carries out the provisions of the Act, the regulations and any order of the Director, shall be deemed to be the holder of a licence.

(6) A licence referred to in subsection (2) is not transferable. O. Reg. 1127/80, s. 99.

100. Every holder of a processor-distributor's licence shall be deemed to be the holder of a licence for the operation of a dairy. O. Reg. 1127/80, s. 100.

101. The Director may refuse to issue a licence to or renew a licence of any distributor,

- (a) where the applicant is not qualified by experience, financial responsibility, personnel or equipment to properly engage in the business for which the application was made;
- (b) where the applicant fails to deposit the security required under section 110;
- (c) where the applicant fails to observe, perform or carry out the requirements of the Act, the regulations, any plan, agreement or award, or any order of the Commission, the Director or milk marketing board;
- (d) where, in the opinion of the Director, the distribution area or municipality or part thereof in respect of which the application is made is already adequately served;
- (e) where, in the opinion of the Director, regular delivery service of fluid milk products to consumers in the distribution area or municipality or part thereof in respect of which the application is made should be provided or continued and the applicant will not provide or continue such service;
- (f) where the fluid milk products delivered, sold or distributed by the applicant are obtained in whole or in part from any other distributor and the number of delivery vehicles operated by the applicant for the delivery, sale or distribution of fluid milk products exceeds, without the approval in writing of the Director, the number of delivery vehicles operated by him for such purpose on the 16th day of January, 1967;
- (g) where, in the opinion of the Director, the existing relationship between the producers and distributors in the distribution area or municipality or part thereof in respect of which the application is made should be continued;

- (h) where, in the opinion of the Director, any material representation or information made or provided by or on behalf of the applicant is false or misleading;
- (i) where the applicant does not comply with the provisions of the *Public Health Act* and the regulations made thereunder;
- (j) where, in the opinion of the Director, the issuance or renewal of the licence is not in the public interest having regard to the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors;
- (k) where, in the opinion of the Director, the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business will not be carried on in accordance with law and with honesty and integrity; or
- (l) where the applicant or, where the applicant is a corporation, any officer, director or servant thereof, or any person who is or will be in any way associated with the applicant in the operation of the business, has contravened or has permitted any person under his control or direction in connection with the business to contravene any provision of the Act or the regulations or of any other Act or the regulations thereunder or of any law of any jurisdiction applying to the carrying on of the business and, in the opinion of the Director, such contravention warrants the refusal to issue or renew the licence. O. Reg. 1127/80, s. 101.

102.—(1) A licence issued under section 99 is issued on the terms and conditions that,

- (a) the holder of the licence observes, performs and carries out the provisions of the Act, the regulations, any plan, agreement or award, or any order of the Commission, the Director, the milk marketing board or the cream marketing board;
- (b) where so required by the Director, the holder of a licence provides or continues regular delivery service of fluid milk products to consumers in the distribution area or municipality or part thereof designated on his licence;
- (c) where the fluid milk products delivered, sold or distributed by the holder of the licence are obtained in whole or in part from any other distributor, the number of delivery vehicles operated by the holder of the licence for the delivery, sale or distribution of fluid milk products does not exceed, except with the approval in writing of the Director, the number of delivery vehicles operated by him for such purpose on the 16th day of January, 1967;

- (d) the holder of the licence complies with the provisions of the *Public Health Act* and the regulations made thereunder;
- (e) where the holder of the licence operates a dairy, every person grading or testing milk received at the dairy or at a farm bulk tank is the holder of a certificate under this Regulation;
- (f) the holder of a licence pays the milk marketing board in accordance with the regulations pertaining thereto;
- (g) where the licence was issued subject to the deposit of security under section 110, the holder of the licence deposits and maintains the security in accordance with sections 110 and 111;
- (h) where any payment is made to the milk marketing board under the *Farm Products Payments Act* and the regulations thereunder for milk purchased by the holder of the licence, the holder of the licence complies with the provisions of such regulations respecting repayment;
- (i) the holder of the licence or, where the holder of the licence is a corporation, every officer, director or servant thereof, does not contravene nor permit any person under his control or direction to contravene any provision of the Act or the regulations or of any other Act or the regulations thereunder or of any law applying to the carrying on of such business, or the terms and conditions for licensing; or
- (j) the holder of the licence carries on his business in accordance with law and with honesty and integrity and with regard to the public interest.

(2) The Director may, after a hearing, suspend or revoke a licence issued under section 99 for any failure to comply with the terms and conditions upon which it is issued. O. Reg. 1127/80, s. 102.

103. A producer who sells pasteurized cream in any public market where products of the farm are sold direct to consumers and the cream is not delivered to the premises of the consumer is not required to be the holder of a licence. O. Reg. 1127/80, s. 103.

104. No person shall supply for resale fluid milk products to, or pasteurized milk for, any other person who is,

- (a) not the holder of a licence under this Regulation; or
- (b) not exempt from the Act or this Regulation. O. Reg. 1127/80, s. 104.

105. Every distributor who delivers, sells or distributes fluid milk products from more than one location is required to be the holder of a licence in respect of each location and shall be deemed to be a separate distributor in respect of each such location. O. Reg. 1127/80, s. 105.

106. Where a distributor ceases to carry on the business for which he is licensed, he shall forthwith surrender his licence to the Director. O. Reg. 1127/80, s. 106.

107. No person other than the holder of a licence under this Regulation shall operate a plant without a licence therefor from the Director. O. Reg. 1127/80, s. 107.

PRODUCER PAYMENT

108.—(1) Cream shall be purchased from producers,

- (a) on a daily cash basis;
- (b) on a weekly credit basis;
- (c) on a bi-weekly credit basis; or
- (d) on any other basis approved by the Director.

(2) Payment becomes due for cream purchased from producers,

- (a) on a daily cash basis, on the day received;
- (b) on a weekly credit basis, on the last day of any week for cream received during the week;
- (c) on a bi-weekly credit basis, on the last day of any two-week period for cream received during the period; or
- (d) on any other basis approved by the Director, on the day or days so approved. O. Reg. 1127/80, s. 108.

109. Where the operator of a plant,

- (a) purchases milk from the milk marketing board and the milk marketing board has not received payment on the date prescribed therefor by the regulations pertaining thereto; or
- (b) purchases cream from a producer and the producer has not received payment on the date prescribed therefor in section 108,

the milk marketing board or the producer, as the case may be, shall forthwith notify the Commission of the default in payment by the operator. O. Reg. 1127/80, s. 109.

110.—(1) Where the Commission is not satisfied in respect of the financial responsibility of the operator of a

plant, the operation of which includes the purchase of milk from the milk marketing board or cream from producers, the operator shall deposit with the Commission security in a form satisfactory to the Commission and in an amount prescribed by the Commission.

(2) Security deposited with the Commission under subsection (1) shall be applicable solely to the claims of the milk marketing board for milk or of producers for cream sold to the operator of the plant and in respect of which payments have been made under the *Farm Products Payments Act* and the regulations thereunder.

(3) The Commission shall notify the Director as to the financial responsibility of each operator of a plant who purchases milk from the milk marketing board or cream from producers. O. Reg. 1127/80, s. 110.

111.—(1) Where the Commission receives notice under the *Farm Products Payments Act* and the regulations thereunder that a payment has been made to the milk marketing board or to a producer of cream from The Fund for Milk and Cream Producers in respect of the operator of a plant who deposited security under subsection 110 (1), the Commission may realize upon the security or such part thereof as it considers necessary.

(2) Where security has been realized upon under subsection (1), the Commission shall pay into The Fund for Milk and Cream Producers the moneys obtained therefrom or so much thereof as is necessary to reimburse the Fund for the amount paid to the milk marketing board or producer, as the case may be.

(3) Where security has been realized upon under subsection (1), the operator of the plant shall deposit with the Commission such additional security as is necessary to comply with the amount prescribed by the Commission under subsection 110 (1) and on the deposit of such additional security by the operator, the Commission shall pay to the operator the moneys remaining, if any, after payment is made to The Fund for Milk and Cream Producers under subsection (2). O. Reg. 1127/80, s. 111.

RECORDS

112. A processor shall keep for twelve months complete records of all milk bought and the records shall include,

- (a) the volumes of all milk received daily;
 - (b) the milk-fat tests of all milk received; and
 - (c) the original entries of the volumes of milk bought and the milk-fat tests of the milk.
- O. Reg. 1127/80, s. 112.

113. A processor shall keep for at least twelve months a complete record of the fluid milk products sold and the records shall include,

- (a) the number of gallons or litres sold in bulk and the number of units of each package size of fluid milk products and other units of fluid milk products sold by wholesale and at retail each day by each driver-salesman of a delivery vehicle and the proceeds of sales by retail and wholesale;
- (b) the number of units of each package size of fluid milk products and other units of fluid milk products sold each day at the dairy and the proceeds of the sales;
- (c) the number of units of each package size of fluid milk products sold each day to pedlars and to other distributors;
- (d) the total amount of all fluid milk products sold for each payment period by a distributor, including the total number of units of each package size sold and the selling price of the fluid milk products; and
- (e) where cheese is manufactured, individual vat records giving date of manufacture, vat number, type of cheese made, disposition of the cheese, volume of milk in the vat, volume of skim added or weight of skim milk powder added, butterfat removed, amount of fat in the vat and weight of cheese made. O. Reg. 1127/80, s. 113.

114.—(1) Every operator of a plant who purchases milk from the milk marketing board or cream from producers shall furnish to the Commission within three months after the end of the fiscal year one copy of the financial statement of the operation during the fiscal year, including the balance sheet and profit and loss statement, in respect of each plant operated in Ontario.

(2) Every financial statement furnished by the operator of a plant under subsection (1) shall be certified by the plant's auditor.

(3) Every distributor,

- (a) who obtains fluid milk products from any other distributor; and
- (b) whose delivery, sale or distribution of fluid milk products is governed by an agreement, in writing or otherwise, with such other distributor,

shall furnish to the Director a copy of any agreement in writing or the provisions of any agreement not in writing, as the case may be.

(4) Every operator of a plant shall, in addition to the information or returns required under subsection (1), furnish to the Commission or Director such information or returns as the Commission or Director from time to time determines.

(5) Producers and transporters of milk or cream shall furnish to the Commission or Director such information

or returns as the Commission or Director determines. O. Reg. 1127/80, s. 114.

DELIVERY OF FLUID MILK PRODUCTS

115. No distributor shall deliver fluid milk products on Sunday to a consumer, shopkeeper-distributor or hotel, restaurant or other premises in the areas named in column 1 and described in column 2 of Schedule 1. O. Reg. 1127/80, s. 115.

116.—(1) No distributor shall deliver fluid milk products on Sunday or Wednesday to a consumer, shopkeeper-distributor or hotel, restaurant or other premises in the areas named in column 1 and described in column 2 of Schedule 2.

(2) The distributors in the areas described in items 1 and 2 of Schedule 2 are exempt from subsection (1) in respect of deliveries of fluid milk products to a factory to employees working therein.

(3) The distributors in the areas described in item 6 of Schedule 2 are exempt from subsection (1) in respect of deliveries of fluid milk products to schools and boats. O. Reg. 1127/80, s. 116.

117. No distributor shall deliver fluid milk products on Sunday to a consumer, shopkeeper-distributor or hotel, restaurant or other premises or on Wednesday to a consumer in the areas named in column 1 and described in column 2 of Schedule 3. O. Reg. 1127/80, s. 117.

118. No distributor shall deliver fluid milk products on Sunday or Wednesday to a consumer in the areas named in column 1 and described in column 2 of Schedule 4. O. Reg. 1127/80, s. 118.

119. No distributor shall deliver fluid milk products on Sunday to a consumer or to a shopkeeper-distributor or to a hotel, restaurant or other premises or on a Wednesday to a consumer or to a shopkeeper-distributor or to a hotel, restaurant or other premises for resale for consumption off the premises of the shopkeeper-distributor or of the hotel, restaurant or other premises, in the areas named in column 1 and described in column 2 of Schedule 5. O. Reg. 1127/80, s. 119.

120. No distributor shall deliver fluid milk products on Sunday to a consumer, shopkeeper-distributor or hotel, restaurant or other premises or on Thursday to a consumer in the areas named in column 1 and described in column 2 of Schedule 6. O. Reg. 1127/80, s. 120.

121.—(1) Where distributors are prohibited from making deliveries of fluid milk products on Wednesdays under this Regulation, and New Year's Day, Dominion Day or Christmas Day falls on a Tuesday, Thursday or Friday in any week, the prohibition does not apply in respect of the Wednesday in that week.

(2) In subsection (1), "week" means a period of seven days commencing with Monday. O. Reg. 1127/80, s. 121.

DISTRIBUTION AREAS

122.—(1) The areas named in column 1 and described in column 2 of Schedule 7 are designated as distribution areas.

(2) The premises of each shop operated by a shopkeeper-distributor are defined and designated as a distribution area in respect of that shop.

(3) In respect of each shop operated by a shopkeeper-distributor, the distribution area referred to in subsection (2) shall be deemed to be designated on the shopkeeper-distributor licence in respect of that shop. O. Reg. 1127/80, s. 122.

123.—(1) The distribution area or municipality or part thereof in which a distributor may deliver, sell or distribute fluid milk products shall be designated on the licence issued to him.

(2) No distributor shall supply fluid milk products to any other distributor for delivery, sale or distribution or for resale in any distribution area or municipality or part thereof other than the distribution area or municipality or part thereof designated on the licence of the distributor who supplies such fluid milk products.

(3) No distributor who obtains fluid milk products from any other distributor shall deliver, sell or distribute, or resell such fluid milk products in a distribution area or municipality or part thereof other than the distribution area or municipality or part thereof designated on the licence of the distributor from whom such fluid milk products were obtained.

(4) Notwithstanding subsection (3), no distributor shall deliver, sell or distribute fluid milk products in any distribution area or municipality or part thereof other than the distribution area or municipality or part thereof designated on his licence.

(5) Where, pursuant to a lawful practice that was established before and in operation on the 16th day of January, 1967,

- (a) a distributor obtained fluid milk products from any other distributor; and
- (b) the distribution area or municipality or part thereof designated on the licence of such distributor is other than the distribution area or municipality or part thereof designated on the licence of such other distributor,

subsections (2) and (3) do not apply to the distributors insofar as the continuation of such practice is concerned. O. Reg. 1127/80, s. 123.

124. Where, with the approval of the Director, on application in writing therefor, a distributor,

- (a) ceases the processing of fluid milk products and has the milk purchased or produced by him, as the case may be, processed by any

other distributor on whose licence is designated a distribution area or municipality or part thereof other than the distribution area or municipality or part thereof designated on his licence; or

- (b) obtains fluid milk products from any other distributor on whose licence is designated a distribution area or municipality or part thereof other than the distribution area or municipality or part thereof designated on his licence,

subsections 123 (1) and (2) do not apply to the distributors insofar as the delivery, sale, distribution or resale of such fluid milk products is concerned. O. Reg. 1127/80, s. 124.

DUTIES AND POWERS OF FIELD-MEN

125.—(1) Where a field-man inspects premises on which milk is produced, a report in triplicate shall be made.

(2) The field-man shall deliver or send one copy of the report to the producer, send one copy to the Director and retain one copy for his records.

(3) Where a field-man determines that,

- (a) the milk delivered from a producer does not comply with this Regulation; or
- (b) the premises on which milk is produced do not comply with this Regulation for the continued shipment of Grade A milk or industrial milk,

the field-man, following clearance from his superior, shall notify immediately the producer and the milk marketing board of the finding and may by order require that no milk from the producer be marketed by the producer until the milk or premises, as the case may be, comply with this Regulation.

(4) A producer who considers himself aggrieved by an order of a field-man under subsection (3) may appeal to the Director and the Director may, after a hearing, confirm, amend or revoke the order. O. Reg. 1127/80, s. 125.

GRADING AND TESTING OF CREAM

126. The grades for cream are,

- (a) Special Grade, consisting of cream that,
 - (i) is clean,
 - (ii) is without taint in flavour,

- (iii) contains no foreign substance,
- (iv) is not curdy or lumpy,
- (v) is capable of being stirred to a uniform consistency,
- (vi) at the time of grading has a content of lactic acid not exceeding 0.25 per cent of the cream, and
- (vii) has a milk-fat content of at least 30 per cent of the cream;

(b) First Grade, consisting of cream that is not Special Grade, and that,

- (i) is not curdy or lumpy,
- (ii) is capable of being stirred to a uniform consistency,
- (iii) contains no foreign substance,
- (iv) at the time of grading has a content of lactic acid not exceeding 0.60 per cent of the cream, and
- (v) has no flavour rendering it unfit for the making of First Grade butter; and

(c) Second Grade, consisting of cream that is not Special Grade or First Grade, and that,

- (i) has no odour or flavour of gasoline, oil, leaks or any other odour or flavouring that renders the cream unfit for making at least Second Grade butter,
- (ii) contains no insanitary or foreign substance, and
- (iii) at the time of grading has a content of lactic acid not exceeding 0.80 per cent of the cream. O. Reg. 1127/80, s. 126.

127. Cream rejected at a plant shall be known as "rejected cream". O. Reg. 1127/80, s. 127.

128. The milk and cream grader at a plant shall reject cream delivered to the plant,

- (a) that is not Special Grade, First Grade or Second Grade;
- (b) by a producer whose milk or cream has been rejected at a plant within a period of fifteen

days preceding the delivery, unless the cream is at least First Grade cream; or

(c) in a container that is not,

- (i) metal,
- (ii) in good condition,
- (iii) free from leaks, rust, open seams and other defects, and
- (iv) covered by a secure lid. O. Reg. 1127/80, s. 128.

129. A milk and cream grader who rejects cream at a plant shall,

- (a) attach to the container in which the cream was delivered a rejection tag bearing the words "rejected cream";
- (b) state on the rejection tag the reason for the rejection;
- (c) add to the cream a harmless food colouring; and
- (d) return the cream in the container in which it was delivered to the producer as soon as is practicable. O. Reg. 1127/80, s. 129.

130.—(1) No producer whose cream is rejected at a plant shall deliver cream to another plant within a period of fifteen days after such rejection or until he has shown to the operator of the plant at which the cream was rejected that the cream that he delivers is acceptable under this Regulation.

(2) A producer whose cream is rejected at a plant and who within fifteen days of the rejection delivers cream to any plant shall notify the operator of the rejection and the cause for the rejection given on the rejection tag.

(3) The operator of a plant shall reject cream delivered by a producer whose cream was rejected at a plant within the preceding period of fifteen days unless the producer has complied with subsections (1) and (2). O. Reg. 1127/80, s. 130.

131. No person shall buy, sell, offer for sale or ship or transport rejected cream as food, or for the preparation of food, for human consumption. O. Reg. 1127/80, s. 131.

132. No person other than a milk and cream grader for the purpose of grading shall remove from the container cream delivered to a plant until the cream has been graded. O. Reg. 1127/80, s. 132.

133. A milk and cream grader shall thoroughly mix, grade and weigh to the nearest 500 grams cream delivered by each producer to a plant and,

- (a) where the cream in each container is tested separately for milk-fat content, take a sample of at least three times the amount of cream that the cream tester requires to perform the test; or
- (b) where the cream of each delivery of two or more containers is tested, take aliquot samples of the cream in each container in such quantities that the samples when together make a total sample of at least 60 millilitres. O. Reg. 1127/80, s. 133.

134. Where a field-man finds that the milk and cream grader at a plant has not complied with sections 126, 128, 129 and 133, the field-man may cause the cream to be graded at the expense of the operator of the plant. O. Reg. 1127/80, s. 134.

135.—(1) At a plant where the cream is accepted, a milk and cream tester shall,

- (a) test each sample of cream for milk-fat content within forty-two hours after the delivery of the cream to the plant; and
- (b) maintain each sample of cream at a temperature not lower than 4°C and not higher than 15°C until 2 p.m. on the day next following the day on which the test is made, but, where the day on which the test is made is a Saturday, he shall maintain the sample until 2 p.m. on the Monday next following.

(2) A field-man may require a milk and cream tester to maintain samples of cream for such period of time longer than the time prescribed in subsection (1) as is considered necessary for the purpose of a further test.

(3) The milk and cream tester shall make each test for milk-fat content of cream by the Babcock test. O. Reg. 1127/80, s. 135.

136. For making Babcock tests of cream, the operator of a plant shall provide,

- (a) Babcock-test bottles and pipettes that are ineffaceably marked with the outline of a maple leaf and the letters "C.S.";
- (b) one acid measure for measuring sulphuric acid and pouring it into Babcock-test bottles;
- (c) a quantity of sulphuric acid having a specific gravity of not less than 1.82 nor more than 1.83 at a temperature of 20°C;
- (d) a centrifuge that is,
 - (i) in sound mechanical operating condition,
 - (ii) capable of being operated at speeds required for tests without appreciable vibration,

- (iii) equipped with a speed indicator or other means of readily determining the speed, and

- (iv) properly mounted;

- (e) a means of heating the centrifuge to a temperature of at least 55°C and maintaining the temperature at not less than 55°C during the period of the test;

- (f) a set of calipers in sound mechanical operating condition, with a screw-locking device;

- (g) a water bath with a means of heating the water to a temperature of at least 55°C and maintaining the temperature at not less than 55°C nor more than 60°C during the period of the test and a thermometer capable of measuring readily the temperature of the water;

- (h) cream-weighing scales and 9-gram and 18-gram weights;

- (i) a quantity of glymol or mineral oil having a specific gravity of 0.85 at a temperature of 20°C;

- (j) containers of at least 60 millilitres capacity with close-fitting tops or stoppers to hold samples of cream of all producers delivering cream to the plant;

- (k) equipment for obtaining a sample of cream from each container of the cream received from a producer; and

- (l) a tank of sufficient size to be a tempering bath for samples of cream in preparation for a test for milk-fat content of the cream. O. Reg. 1127/80, s. 136.

137. No person shall mix Second Grade cream received at a plant for manufacture into butter with Special Grade or First Grade cream. O. Reg. 1127/80, s. 137.

138. No person shall put any foreign substance into a sample of cream, and no person other than the milk and cream grader or the milk and cream tester shall add cream to a sample of cream. O. Reg. 1127/80, s. 138.

PRODUCER PAYMENT

139. Where a producer delivers cream to a plant and the operator of the plant declines to accept delivery, the operator shall record the date of the refusal and, where graded, the grade given to the cream. O. Reg. 1127/80, s. 139.

140. The differential in payment for cream for manufacture into a milk product shall be,

- (a) at least 2 cents more for Special Grade than for First Grade cream; and

- (b) at least 10 cents more for First Grade than for Second Grade cream,

for each kilogram of milk-fat content. O. Reg. 1127/80, s. 140.

141.—(1) A container in which a sample of milk or cream is placed shall be plainly labelled or marked with the name of, or a number to identify, the producer who delivered the milk or cream to the plant.

- (2) No person shall put a sample of milk or cream,

- (a) in a container that is not labelled; or
(b) in a container other than one bearing the label for the producer who delivered the milk or cream to the plant. O. Reg. 1127/80, s. 141.

RE-TESTING

142.—(1) A field-man may test or require a milk and cream tester at a plant to test in his presence any sample of cream that has been tested for milk-fat content.

(2) Where a field-man finds that a test for milk-fat content made by a cream tester is in error, he shall report the particulars of the error in writing to the operator of the plant.

(3) Payment for cream shall be made on the basis of the results of the re-test reported by the field-man. O. Reg. 1127/80, s. 142.

143. Where samples of cream are tested for milk-fat content by the Babcock test, the operator of a plant shall, upon the request of a producer or his representative,

- (a) furnish to the producer a statement of the producer's cream delivered to the plant; and
(b) re-test the samples in the presence of the producer or his representative,

before the samples are destroyed. O. Reg. 1127/80, s. 143.

CONTAINERS

144.—(1) No person shall transport cream for the manufacture into a milk product except in a container,

- (a) that is marked, branded or labelled to identify,
(i) the owner of the container, and
(ii) the owner of the contents;
(b) that shows the net weight of the container without its lid to the nearest 200 grams;
(c) that is free from rust, open seams and other mechanical defects; or

- (d) that is used for no other purpose.

(2) No person other than the owner of the container shall remove or conceal any mark, brand or label on a container.

(3) No person shall use a container for transporting cream for manufacture into a milk product except,

- (a) the owner of the container; and
(b) a producer to whom the container was supplied for transporting cream to the plant of the owner of the container.

(4) Where the operator of a plant supplies a container to a producer for the purpose of transporting cream to the plant, the producer shall,

- (a) not transport cream in the container to any place except the plant; and
(b) when the container is no longer required to transport cream, promptly return the container in good condition to the plant.

(5) Where cream is transported to the plant in containers owned by the producer, the operator of the plant shall promptly return the containers in good condition to the producer.

(6) No operator of a plant shall supply or return to a producer a container for the purpose of using it in transporting cream to the plant unless the container has been thoroughly washed and sanitized. O. Reg. 1127/80, s. 144.

TRANSPORTATION OF CREAM

145.—(1) No person shall transport cream to a plant in a vehicle,

- (a) that is in an insanitary condition; or
(b) that has been used for a purpose that may cause contamination of cream or containers of cream subsequently transported in the vehicle.

(2) No person shall deck containers of cream in a vehicle used to transport cream to a plant without decking boards that are supported from the body of the vehicle and so located that clearance is provided for the containers in each deck.

(3) The driver of a vehicle used to transport cream to a plant shall deliver the cream as promptly as possible.

(4) The operator of a plant shall accept or refuse to accept cream delivered to the plant within two hours of its arrival at the plant. O. Reg. 1127/80, s. 145.

RECORDS AND STATEMENTS FOR CREAM

146.—(1) The operator of every plant shall keep a record of,

- (a) all cream received at the plant, showing the date received and the name of the producer and his number, if any, used for identification of the producer;
- (b) the rejection of cream and the cause for rejection;
- (c) the weights and grades of all cream accepted at the plant for processing into milk products; and
- (d) the results of all tests made at the plant under this Regulation.

(2) Where a milk and cream grader or milk and cream tester, as the case may be, measures, weighs, grades or tests milk or cream, he shall immediately make an accurate record of the volume, weight, grade or test, as the case may be, in ink or indelible lead.

(3) The operator of a plant shall keep a record of the full name and address of each producer who ships cream to the plant.

(4) The operator of a plant shall keep for at least one year all records of weights, grades and tests of cream made at his plant. O. Reg. 1127/80, s. 146.

147.—(1) Where cream of a producer is delivered to a plant and accepted by the plant, the operator shall furnish to the producer a statement for each payment period showing,

- (a) the name and address of the plant;
- (b) the name of the producer;
- (c) the weight, grade and milk-fat content of the cream in the container or containers of each delivery;

- (d) the date of each delivery;
- (e) the total number of kilograms of milk-fat in each grade of the cream delivered by the producer;
- (f) the price paid for the cream of each grade;
- (g) the total price for the cream;
- (h) amounts deducted from the price of the cream for haulage charges, licence fees or other purpose, and the purpose for which each amount is deducted;
- (i) the net amount payable to the producer; and
- (j) in the case of Second Grade cream, the reason or reasons for the grade.

(2) In the statement under subsection (1), the grades of the cream shall be shown,

- (a) where the cream is Special Grade, by the letters SP;
- (b) where the cream is First Grade, by the figure 1; and
- (c) where the cream is Second Grade, by the figure 2. O. Reg. 1127/80, s. 147.

148.—(1) No person shall falsify any records or statements, or make any incorrect determination that may affect the price paid for cream at a plant.

(2) Where any record or statement in respect of the price paid for cream at a plant is changed, the persons responsible for the change shall write their initials in ink or indelible lead at the place in the record or statement where the change was made. O. Reg. 1127/80, s. 148.

Schedule 1

Item	COLUMN 1 Name of Area	COLUMN 2 Description of Area
1	City of Cambridge	The Town of Preston as it existed on the 31st day of December, 1969.
2	City of Stratford	The whole.
3	Ottawa	The cities of Ottawa, Gloucester, Kanata and Nepean, the Town of Vanier, the Village of Rockcliffe Park and the Township of Torbolton as it existed on the 31st day of December, 1969.

O. Reg. 1127/80, Sched. 1.

Schedule 2

Item	COLUMN 1 Name of Area	COLUMN 2 Description of Area
1	City of Cambridge	The City of Galt as it existed on the 31st day of December, 1969.
2	Guelph	The City of Guelph and the townships of Guelph and Puslinch.
3	London	The City of London, and the townships of London, Westminster, North Dorchester and West Nissouri.
4	Owen Sound	The City of Owen Sound.
5	St. Thomas	The City of St. Thomas.
6	Cornwall	The City of Cornwall and the Township of Cornwall.
7	Timmins	The Town of Timmins and the townships of Deloro, Mountjoy, Tisdale and Whitney.
8	Thunder Bay	The City of Thunder Bay and the geographic townships of MacGregor, McIntyre, Neebing, Oliver and Paipoonge.
9	Atikokan	The Township of Atikokan.

O. Reg. 1127/80, Sched. 2.

Schedule 3

Item	COLUMN 1 Name of Area	COLUMN 2 Description of Area
1	Town of Ancaster	All that part of the Township of Ancaster in the County of Wentworth, as it existed on the 31st day of December, 1969, lying east of the westerly boundary of Lot 37 in Concession 1.
2	Township of Flamborough	All that part of the Township of Beverly in the County of Wentworth, as it existed on the 31st day of December, 1969, lying east of the westerly boundary of Lot 29 in concessions I, II and III; all the Township of East Flamborough and the Town of Waterdown as they existed on the 31st day of December, 1969.
3	City of Brantford	The whole.
4	Town of Oakville	The whole.
5	City of Burlington	The whole, including the Town of Milton.
6	Town of Dundas	The Town of Dundas as it existed on the 31st day of December, 1969.
7	Regional Municipality of Waterloo	Beginning at the northwesterly angle of the Township of Waterloo; thence southeasterly along the westerly boundary of the township to the production westerly of the centre line of the road allowance between lots 132 and 133 in the Township of Waterloo; thence easterly along that production and the centre line of the road allowance across Lot 140, Hiestand's Tract, Bechtel's Tract, and its production easterly to the centre line of County Suburban Road 14; thence northerly along the last-mentioned centre line to its intersection with the centre line of a road extending westerly through Lot 12 in Beasley's Old Survey, and through Bechtel's Tract; thence easterly along the last-mentioned centre line and its production easterly to the high-water mark on the easterly bank of the Grand River; thence along the high-water mark in a general northerly direction to the most westerly limit of Lot 114 in the Township of Waterloo; thence northerly along the most westerly limit of Lot 114 to the northwesterly angle thereof; thence easterly along the northerly limit of Lot 114 to the centre line of County Suburban Road 13; thence northerly along that centre line to the northerly boundary of the Township of Waterloo; thence westerly along the boundary to the point of beginning.
8	City of Niagara Falls	The City of Niagara Falls as it existed on the 31st day of December, 1969.
9	Township of West Flamborough	The whole. as it existed on the 31st day of December, 1969.
10	St. Catharines	The City of St. Catharines and the towns of Merritton, Port Dalhousie and Thorold and the Township of Grantham as they existed on the 31st day of December, 1969.
11	Kenora-Keewatin	The towns of Keewatin and Kenora and the townships of Jaffray, Melick and Pellatt.

Schedule 4

Item	COLUMN 1 Name of Area	COLUMN 2 Description of Area
1	Town of Blenheim	The whole.
2	Town of Bothwell	The whole.
3	Township of Camden	The whole.
4	Gore of Camden	All that part of the Township of Dawn, now known as the Gore of Camden, in the County of Kent, and comprising lots 1 to 10, both inclusive, in each of concessions VII to XIV, both inclusive.
5	Township of Dawn	All that part of the Township of Dawn comprising lots 11 to 20, both inclusive, in each of concessions I to XIV, both inclusive.
6	Village of Erie Beach	The whole.
7	Village of Erieau	The whole.
8	Township of Harwich	All that part of the Township of Harwich lying southerly of the right-of-way of the Chesapeake and Ohio Railroad.
9	Township of Howard	The whole.
10	City of North Bay	The whole.
11	Township of Orford	The whole.
12	City of Orillia	The City of Orillia and the townships of Orillia and Rama.
13	Township of Raleigh	All that part of the Township of Raleigh lying southerly of the right-of-way of the Chesapeake and Ohio Railroad.
14	Town of Ridgetown	The whole.
15	Town of St. Marys	The whole.
16	Village of Thamesville	The whole.
17	Township of Zone	The whole.

O. Reg. 1127/80, Sched. 4.

Schedule 5

Item	COLUMN 1 Name of Area	COLUMN 2 Description of Area
1	Town of Deep River	The whole.
2	Borough of East York	The whole.
3	Borough of Etobicoke	The whole.
4	The City of North York	The whole.
5	Pembroke-Chalk River	City of Pembroke, the Village of Chalk River, and the townships of Alice and Fraser, Head, Clara and Maria, Pembroke, Petawawa, Rolph, Buchanan, Wylie and McKay, Stafford and Westmeath.
6	Borough of Scarborough	The whole.
7	City of Toronto	The whole.
8	City of Mississauga	The whole.
9	City of Brampton	The Township of Toronto Gore as it existed on the 31st day of December, 1969.
10	Town of Vaughan	The Village of Woodbridge as it existed on the 31st day of December, 1969.
11	Borough of York	The whole.

O. Reg. 1127/80, Sched. 5.

Schedule 6

Item	COLUMN 1 Name of Area	COLUMN 2 Description of Area
1	City of Chatham	The whole.
2	Town of Tilbury	The whole.
3	Town of Dryden	The whole.

O. Reg. 1127/80, Sched. 6.

Schedule 7

Item	COLUMN 1 Name of Area	COLUMN 2 Description of Area
1	Distribution Area No. 1	The counties of Essex, Kent and Lambton.
2	Distribution Area No. 2	The counties of Elgin, Middlesex and Oxford.
3	Distribution Area No. 3	<ol style="list-style-type: none"> 1. The County of Brant except the Township of South Dumfries. 2. The regional municipalities of Haldimand-Norfolk and Niagara.
4	Distribution Area No. 4	<ol style="list-style-type: none"> 1. The Regional Municipality of Hamilton-Wentworth except the Township of Beverly as it existed on the 31st day of December, 1973. 2. That part of The Regional Municipality of Halton south of Steeles Avenue. 3. In the Regional Municipality of Peel: <ol style="list-style-type: none"> i. The City of Mississauga. ii. That part of the City of Brampton south of Steeles Avenue and east of Airport Road. 4. Metropolitan Toronto. 5. In The Regional Municipality of York: <ol style="list-style-type: none"> i. The towns of Markham and Vaughan. ii. That part of the Town of Whitchurch-Stouffville south of Gormley Road. iii. That part of the Town of Richmond Hill south of the King-Vaughan and Gormley Side Roads. 6. The towns of Ajax, Pickering and Whitby and the City of Oshawa in The Regional Municipality of Durham.
5	Distribution Area No. 5	<ol style="list-style-type: none"> 1. The counties of Huron, Perth and Wellington. 2. The Regional Municipality of Waterloo. 3. The Township of South Dumfries in the County of Brant. 4. That part of The Regional Municipality of Hamilton-Wentworth consisting of the Township of Beverly as it existed on the 31st day of December, 1973. 5. That part of The Regional Municipality of Halton north of Steeles Avenue. 6. In The Regional Municipality of Peel: <ol style="list-style-type: none"> i. The Town of Caledon. ii. That part of the City of Brampton north of Steeles Avenue and west of Airport Road.

Item	COLUMN 1 Name of Area	COLUMN 2 Description of Area
6	Distribution Area No. 6	<ol style="list-style-type: none"> 1. The counties of Bruce, Dufferin and Grey.
7	Distribution Area No. 7	<ol style="list-style-type: none"> 1. The Regional Municipality of York except, <ol style="list-style-type: none"> i. The towns of Markham and Vaughan, ii. That part of the Town of Whitchurch-Stouffville south of Gormley Road, and iii. That part of the Town of Richmond Hill south of the King-Vaughan and Gormley Side Roads. 2. The townships of Rama and Mara in the County of Simcoe. 3. The Town of Newcastle and the townships of Brock, Scugog and Uxbridge in The Regional Municipality of Durham. 4. The counties of Northumberland, Peterborough and Victoria. 5. The Provisional County of Haliburton.
8	Distribution Area No. 8	<ol style="list-style-type: none"> 1. The counties of Frontenac, Hastings, Lennox and Addington and Prince Edward. 2. The County of Leeds except the townships of Kitley and South Elmsley.
9	Distribution Area No. 9	<ol style="list-style-type: none"> 1. The counties of Dundas, Glengarry, Grenville, Lanark, Prescott, Renfrew, Russell and Stormont and The Regional Municipality of Ottawa-Carleton. 2. The townships of Kitley and South Elmsley in the County of Leeds.
10	Distribution Area No. 10	<ol style="list-style-type: none"> 1. The District Municipality of Muskoka. 2. The Territorial District of Parry Sound except the geographic Township of North Himsforth.
11	Distribution Area No. 11	<ol style="list-style-type: none"> 1. The Territorial District of Thunder Bay. 2. The Improvement District of White River in the Territorial District of Algoma. 3. That part of the Territorial District of Rainy River lying east of longitude 92° 00' 00".
12	North Bay, Sturgeon Falls and Verner Distribution Area	<ol style="list-style-type: none"> 1. Those parts of the Territorial District of Nipissing described as follows: <ol style="list-style-type: none"> i. The City of North Bay. ii. The towns of Cache Bay and Sturgeon Falls and the Township of Bonfield. iii. The geographic townships of Askin, Bastedo, Beau-cage, Belfast, Blyth, Bonfield, Caldwell, Calvin, Clement, Commanda, Crerar, Dana, East Ferris, Field, Gibbons, Gladman, Joan, Kirkpatrick, Law, Lyman, Macpherson, McLaren, Merrick, Olive, Pardo, Pedley, Phelps, Phyllis, Poitras, Scholes, Sisk, Springer and Thistle.

Item	COLUMN 1 Name of Area	COLUMN 2 Description of Area
13	Sudbury Distribution Area	<p>1. Those parts of The Regional Municipality of Sudbury described as follows:</p> <ul style="list-style-type: none"> i. The City of Sudbury. ii. The Town of Nickel Centre except the geographic Township of MacLennan as it existed on the 31st day of December, 1972. iii. The Town of Rayside-Balfour, except the geographic Township of Morgan as it existed on the 31st day of December, 1972. iv. The Town of Walden, except the geographic townships of Lorne, Louise, and Dieppe as they existed on the 31st day of December, 1972. v. That part of the Town of Valley East consisting of the geographic Township of Blezard as it existed on the 31st day of December, 1972. <p>2. The geographic townships of Awrey, Burwash, Cleland, Dill, Hawley, Hendrie, Hoskin, Laura, Secord, Servos and Street in the Territorial District of Sudbury.</p>
14	Manitoulin Distribution Area	The Territorial District of Manitoulin.

REGULATION 630

under the Milk Act

MILK PRODUCERS — LICENCES

INTERPRETATION

1. In this Regulation,
- (a) “industrial milk plant” means a cheese factory, concentrated milk plant, creamery or milk receiving station;
 - (b) “marketing board” means The Ontario Milk Marketing Board;
 - (c) “producer” means a producer of milk. O. Reg. 194/78, s. 1.

APPLICATION OF REGULATION

2. This Regulation provides for the control and regulation in any or all respects of the marketing within Ontario of milk, including the prohibition of such marketing in whole or in part. O. Reg. 194/78, s. 2.

LICENCES

- 3.—(1) No person shall commence or continue to engage in the producing of milk except under the authority of a licence as a producer of milk in Form 1.
- (2) A licence in Form 1 is not transferable.
- (3) Where a producer ceases to engage in the producing of milk, he shall forthwith surrender his licence to the marketing board.
- (4) The marketing board may refuse to issue a licence to commence to engage in the producing of milk where the applicant is not qualified by experience, financial responsibility or equipment to properly engage in the business for which the application was made, or for any other reason that the marketing board considers proper.
- (5) The marketing board may suspend or revoke, or refuse to issue or renew, a licence to continue to engage in the producing of milk for failure to observe, perform or carry out the provisions of the Act, the regulations, the plan or any order or direction of the marketing board. O. Reg. 194/78, s. 3.

4.—(1) Subject to subsection (2), every producer shall pay licence fees at the rate of 45.4 cents for each

hectolitre or fraction thereof of milk sold to the marketing board.

- (2) Every producer in the Northern Ontario Pool, the Northwestern Ontario Pool, the Southern Ontario Pool and the Thunder Bay Pool shall pay licence fees at the rate of 44.5 cents for each hectolitre or fraction thereof of milk sold to the marketing board. O. Reg. 545/80, s. 1.
- (3) The marketing board shall deduct from the moneys payable to a producer any licence fees payable by the producer in respect of milk sold to the marketing board.
- (4) The marketing board may recover from any person by suit in a court of competent jurisdiction any licence fees payable to the marketing board. O. Reg. 194/78, s. 4 (3, 4).

Form 1

Milk Act

LICENCE TO ENGAGE IN THE
PRODUCING OF MILK

Under the *Milk Act* and the regulations, and subject to the limitations thereof, this licence is issued

to.....
(name)

of.....
(address)

to engage in the producing of milk.

Issued at Toronto, this day of,
19....

THE ONTARIO MILK MARKETING BOARD:

.....
Chairman

.....
Secretary

REGULATION 631

under the Milk Act

RECONSTITUTED MILK—GENERAL

1. In this Regulation,

- (a) "reconstituted concentrated liquid milk" means reconstituted milk that contains not less than 7.5 per cent of milk-fat and not less than 17 per cent of milk solids other than milk-fat and that is not sterilized in the container in which it is offered for sale;
- (b) "reconstituted concentrated liquid partly-skimmed milk" means reconstituted milk that contains not less than 0.3 per cent and not more than 7.5 per cent of milk-fat and not less than 17 per cent of milk solids other than milk-fat and that is not sterilized in the container in which it is offered for sale;
- (c) "reconstituted concentrated liquid skim-milk" means reconstituted milk that contains not more than 0.3 per cent of milk-fat and not less than 17 per cent of milk solids other than milk-fat and that it is not sterilized in the container in which it is offered for sale;
- (d) "reconstituted flavoured milk" means reconstituted milk that contains not less than 3 per cent of milk-fat and to which chocolate, fruit or other flavouring has been added;
- (e) "reconstituted flavoured milk drink" means reconstituted milk that contains not less than 2 per cent of milk-fat and to which chocolate, fruit or other flavouring has been added;
- (f) "reconstituted homogenized standard milk" means reconstituted standard milk that has been subjected to a mechanical treatment that prevents separation of the milk-fat;
- (g) "reconstituted partly-skimmed milk" means reconstituted milk that contains not less than 0.1 per cent and not more than 3.24 per cent of milk-fat and not less than 8.25 per cent of milk solids other than milk-fat;
- (h) "reconstituted skim-milk" means reconstituted milk that contains not more than 0.1 per cent of milk-fat and not less than 8.5 per cent of milk solids other than milk-fat;

- (i) "reconstituted special milk" means reconstituted milk that contains not less than 4 per cent and not more than 9.9 per cent of milk-fat and not less than 8.5 per cent of milk solids other than milk-fat;
- (j) "reconstituted standard milk" means reconstituted milk that contains not less than 3.25 per cent and not more than 3.9 per cent of milk-fat and not less than 8 per cent of milk solids other than milk-fat;
- (k) "reconstituted sterilized milk" means reconstituted milk that,
 - (i) contains not less than 3.25 per cent of milk-fat and not less than 8 per cent of milk solids other than milk-fat,
 - (ii) has been heated without concentration or appreciable loss of volume to a temperature of at least 100°C for a length of time sufficient to kill all organisms in the reconstituted milk, and
 - (iii) is packaged in a container that is hermetically sealed. R.R.O. 1970, Reg. 602, s. 1; O. Reg. 232/78, s. 1.

2. Milk that,

- (a) is derived, remade, compounded or blended in whole or in part, with or without the addition of milk-fat, from evaporated milk, evaporated partly-skimmed milk, evaporated skim-milk, milk powder, skim-milk powder, concentrated liquid milk, concentrated liquid partly-skimmed milk, concentrated liquid skim-milk or concentrated liquid chocolate milk; and
- (b) resembles or may be used as a substitute for a fluid milk product, concentrated liquid milk, concentrated liquid partly-skimmed milk, concentrated liquid skim-milk or concentrated liquid chocolate milk,

is designated as reconstituted milk. R.R.O. 1970, Reg. 602, s. 2.

3. The following classes of reconstituted milk are established:

- 1. Reconstituted concentrated liquid milk.
- 2. Reconstituted concentrated liquid partly-skimmed milk.

3. Reconstituted concentrated liquid skim-milk.
4. Reconstituted flavoured milk.
5. Reconstituted flavoured milk drink.
6. Reconstituted homogenized standard milk.
7. Reconstituted partly-skimmed milk.
8. Reconstituted skim-milk.
9. Reconstituted special milk.
10. Reconstituted standard milk.
11. Reconstituted sterilized milk. R.R.O. 1970, Reg. 602, s. 3.

4. This Regulation and subsection 17 (2) of the Act do not apply to a person who processes reconstituted milk at his home for consumption therein. R.R.O. 1970, Reg. 602, s. 4.

5.—(1) A permit to manufacture and sell any class of reconstituted milk shall be in Form 2.

(2) No permit in Form 2 shall be issued except upon application therefor in Form 1.

(3) A permit in Form 2 expires with the date specified therein.

(4) A permit in Form 2 may be limited to the manufacture and sale of one or more classes of reconstituted milk.

(5) A permit in Form 2 is not transferable. R.R.O. 1970, Reg. 602, s. 5.

6. No permit in Form 2 shall be issued unless,

- (a) the applicant therefor holds a licence as a distributor or operator of a dairy; and
- (b) having regard to,
 - (i) the present or foreseeable supply of grade A milk, and
 - (ii) the present or foreseeable demand for fluid milk products,

the Director is satisfied that the applicant cannot provide a sufficient volume of fluid milk products to meet his requirements. R.R.O. 1970, Reg. 602, s. 6; O. Reg. 175/73, s. 1.

7.—(1) A permit in Form 2 is issued on the terms and conditions that the holder of the permit,

- (a) manufactures and sells reconstituted milk only at such times as his supply of grade A milk is not sufficient to satisfy his requirements for fluid milk products;

(b) on each day that reconstituted milk is manufactured, advises the Director in writing with respect to,

- (i) the quantity of each class of reconstituted milk that was manufactured, and
- (ii) the quantity of each milk product that was used in the manufacture of each class of reconstituted milk;

(c) manufactures and sells reconstituted milk only in the area or areas designated on the permit;

(d) continues to hold a licence as a distributor or operator of a dairy; and

(e) complies with the requirements of the Act and the regulations relating to the manufacture and sale of reconstituted milk. R.R.O. 1970, Reg. 602, s. 7 (1); O. Reg. 175/73, s. 2 (1).

(2) The Director may suspend or revoke a permit in Form 2 for any violation of the terms and conditions upon which it is issued. R.R.O. 1970, Reg. 602, s. 7 (2); O. Reg. 175/73, s. 2 (2).

8.—(1) Every holder of a permit in Form 2 shall keep a monthly record of,

- (a) the quantity of each class of reconstituted milk manufactured and sold; and
- (b) the quantity of each milk product used in the manufacture of each class of reconstituted milk. R.R.O. 1970, Reg. 602, s. 8 (1).

(2) Every holder of a permit in Form 2 shall make a report to the Director in respect of each month showing,

- (a) the quantity of each class of reconstituted milk manufactured and sold; and
- (b) the quantity of each milk product used in the manufacture of each class of reconstituted milk,

not later than the 15th day of the month next following. R.R.O. 1970, Reg. 602, s. 8 (2); O. Reg. 175/73, s. 3.

9. No person shall sell any class of reconstituted milk except in a container that has a label imprinted on the container, affixed to the container or imprinted on the cap of the container showing,

- (a) the class of reconstituted milk packaged therein; and

- (b) the name of the permit-holder manufacturing and selling the class of reconstituted milk. R.R.O. 1970, Reg. 602, s. 9.

10.—(1) Where in the opinion of a field-man reconstituted milk has been manufactured and sold in contravention of the Act or the regulations, the field-man may detain the reconstituted milk at the risk and expense of the person who was in possession of such reconstituted milk. R.R.O. 1970, Reg. 602, s. 10 (1).

(2) Where a field-man detains reconstituted milk, he shall,

- (a) attach to the container or package of containers a detention tag in Form 3 bearing a serial number and the words "RECONSTITUTED MILK UNDER DETENTION";
- (b) make a report in Form 4 to the Director; and
- (c) deliver or send by registered mail on the day of detention a copy of the report in Form 4 to,
 - (i) the person who was in possession of the reconstituted milk at the time that it was detained, and
 - (ii) the manufacturer, if any, whose name appears on the container or package of containers. R.R.O. 1970, Reg. 602, s. 10 (2); O. Reg. 175/73, s. 4 (1).

(3) Where reconstituted milk has been detained, any person mentioned in clause (2) (c) may apply to the Director for removal of the detention. R.R.O. 1970, Reg. 602, s. 10 (3); O. Reg. 175/73, s. 4 (2).

(4) An application under subsection (3) for removal of a detention shall,

- (a) be in writing;
- (b) be made at such time and in such manner that the application is received by the Director not later than the tenth day after the day on which the detention was made; and
- (c) contain a statement of the facts and reasons on which the applicant relies. R.R.O. 1970, Reg. 602, s. 10 (4); O. Reg. 175/73, s. 4 (3).

11. Where a field-man or the Director, as the case may be, is satisfied that the reconstituted milk under detention was not manufactured and sold in contravention of the Act or the regulations, the field-man shall, or the Director shall direct the field-man to, remove the detention tag in Form 3 from the container or package of containers and release the

reconstituted milk from detention. R.R.O. 1970, Reg. 602, s. 11; O. Reg. 175/73, s. 5.

12.—(1) Where reconstituted milk is detained and,

- (a) on any hearing of an application made in accordance with subsection 10 (4) for removal of the detention;
- (b) on failure of an applicant to attend a hearing on an application under subsection 10 (4) for removal of the detention; or
- (c) after determining that,
 - (i) the field-man complied with the requirements of clause 10 (2) (c), and
 - (ii) no application for removal of the detention was received in accordance with subsection 10 (4),

the Director determines that the reconstituted milk was manufactured and sold in violation of the regulations, the reconstituted milk is forfeited to and becomes the property of the Crown in right of Ontario. R.R.O. 1970, Reg. 602, s. 12 (1); O. Reg. 175/73, s. 6 (1).

(2) Where reconstituted milk is forfeited under subsection (1), it shall be destroyed or otherwise disposed of in such manner as the Director directs. R.R.O. 1970, Reg. 602, s. 12 (2); O. Reg. 175/73, s. 6 (2).

13. Where a field-man has placed a detention tag in Form 3 on a container or package of containers of reconstituted milk, no person shall,

- (a) sell, offer for sale, move or allow or cause to be moved the reconstituted milk; or
- (b) remove or cause to be removed the detention tag from the container or package of containers. R.R.O. 1970, Reg. 602, s. 13.

Form 1

Milk Act

APPLICATION FOR A PERMIT TO MANUFACTURE AND SELL RECONSTITUTED MILK

To: The Director of the Farm Products Quality Branch of the Ministry of Agriculture and Food,
Legislative Buildings,
Toronto, Ontario.

Under the *Milk Act* and the regulations, and subject to the limitations thereof,

.....
(name of corporation, partnership or person and,
.....
if partnership, give the names of all partners)
.....
(street and number) (city, town or village) (county, etc.)

hereby applies for a permit to manufacture and sell
the following class or classes of reconstituted milk:

.....
.....

Dated at, this day of,
19....

.....
(signature of applicant)

By
(title of official signing for a
partnership or corporation)

Form 2
Milk Act

PERMIT TO MANUFACTURE AND
SELL RECONSTITUTED MILK

Year..... No.....

Under the *Milk Act* and the regulations,
and subject to the limitations thereof, this
permit is issued to

.....
(name)

.....
(address) (county)

Schedule to manufacture and sell the following class
or classes of reconstituted milk:

.....
.....

in the area or areas specified in the Schedule
in the margin hereof.

This permit expires with the day
of, 19....

Issued at Toronto, this day of,
19....

DIRECTOR OF THE FARM PRODUCTS QUALITY
BRANCH:
.....
.....

R.R.O. 1970, Reg. 602, Form 2; O. Reg. 175/73, s. 8.

Form 3
Milk Act

RECONSTITUTED MILK UNDER DETENTION

Tag No.....

Under the *Milk Act* and the regulations, I have
detained the reconstituted milk in the container or
package of containers to which this tag is attached.

Date

.....
(signature of field-man)

R.R.O. 1970, Reg. 602, Form 3.

Form 4
Milk Act

REPORT OF FIELD-MAN

1. Date of inspection.....
2. Premises or conveyance.....
3. Location
(address)
4. Person in possession of the reconstituted milk...
.....
(name and address)
5. Description of reconstituted milk
.....
6. Trade name
7. Name of manufacturer
8. Quantity detained.....
9. Detention tag number
10. Reason for detention
11. Date of detention

.....
(signature of field-man)

R.R.O. 1970, Reg. 602, Form 4.

REGULATION 632

under the Mining Act

ASSAY COUPONS

1. The number of assay coupons required for each free assay as provided for under subsection 63 (1) of the Act is the number set out in the following Schedule:

Schedule

REQUIRED NUMBER OF FREE ASSAY COUPONS

Gold	1
xSilver	1
Gold and Silver (same sample)	2
Platinum	3
Palladium	3
Platinum and Palladium (same sample)	5
Aluminum	2
xAntimony	2
xArsenic	2
Barium	2
xBeryllium	3
xBismuth	2
xCadmium	2
Calcium (limestone)	2
Calcium (silicates)	2
Carbon (graphitic)	3
Carbon Dioxide	2
xCerium	3
Cesium	3
Chlorine	2
xChromium	2
xCobalt	1
xCopper	1
Fluorine	3
Gallium	2
xGermanium	2
Indium	3
Insoluble Residue (in HCl)	1
xIron (Total)	1
Iron (Soluble in HCl)	1
Iron (Ferrous)	2
Lanthanum	3
xLead	1
xLithium	2
Loss on Ignition	1
Magnesium	2

xManganese	2
xMercury	2
Moisture (H_2O^-)	1
xMolybdenum	2
xNickel	1
xNiobium	3
Phosphorus	2
Potassium	2
Rubidium	2
Selenium	3
Silica	2
Sodium	2
Strontium	2
Sulphur	2
xTantalum	2
xTellurium	2
xThorium	4
xTin	2
xTitanium	2
xTungsten	2
xUranium	3
Radioactivity (Uranium Oxide Equivalent)	1
xVanadium	2
xYttrium	2
xZinc	1
xZirconium	2

QUALITATIVE ANALYSIS (SPECTROGRAPHIC)

30 Elements (x)	2
1 to 5 Single Elements	1

*5 Platinum Group Metals
(Platinum, Palladium, Iridium, Rhodium,
Ruthenium).....2

*1 Platinum Group Metal.....1

*Combined fire assay and spectrographic analysis.

For information regarding work not specified above or for schedule of cash fees, write to the Mineral Resources Group, Ministry of Natural Resources, Legislative Buildings, Toronto, Ontario. O. Reg. 658/74, s. 1.

REGULATION 633

under the Mining Act

EXPLORATORY LICENCES AND LEASES FOR OIL AND NATURAL GAS NORTH OF THE FIFTY-FIRST PARALLEL OF LATITUDE

1.—(1) For the purpose of this Regulation, that part of Ontario lying north of the fifty-first parallel of latitude is divided into oil and gas exploration grid areas.

(2) An oil and gas exploration grid area shall be bounded on the east and west sides by successive meridians of longitude of the series $80^{\circ} 00' 00''$, $80^{\circ} 15' 00''$, $80^{\circ} 30' 00''$, which series may be extended as required, and on the north and south sides by straight lines joining the points of intersection of the east and west boundaries with successive parallels of latitude of the series $51^{\circ} 00' 00''$, $51^{\circ} 10' 00''$, $51^{\circ} 20' 00''$, which series may be extended as required.

(3) Every oil and gas exploration grid area shall be referred to by the latitude and longitude of the northeast corner of that grid area.

(4) Every oil and gas exploration grid area shall be divided into sections.

(5) A section shall be bounded on the east and west sides by meridians spaced at one-tenth of the interval between the east and west boundaries of the oil and gas exploration grid area and on the north and south by straight lines drawn parallel to the north and south boundaries of the oil and gas exploration grid area and spaced at intervals of one-tenth of the interval between the north and south boundaries of the oil and gas exploration grid area.

(6) A section shall be identified by the number to which it corresponds.

(7) Sections in an oil and gas exploration grid area shall be numbered from 1 to 100, both inclusive, with the eastern ten sections being numbered from 1 to 10 commencing at the south section, as illustrated in the following example:

	N										
	100	90	80	70	60	50	40	30	20	10	
	99	89	79	69	59	49	39	29	19	9	
	98	88	78	68	58	48	38	28	18	8	
	97	87	77	67	57	47	37	27	17	7	
W	96	86	76	66	56	46	36	26	16	6	E
	95	85	75	65	55	45	35	25	15	5	
	94	84	74	64	54	44	34	24	14	4	
	93	83	73	63	53	43	33	23	13	3	
	92	82	72	62	52	42	32	22	12	2	
	91	81	71	61	51	41	31	21	11	1	
	S										

(8) The boundary between,

- (a) the north and south halves of an oil and gas exploration grid area is the north boundary of sections 5, 15, 25, 35, 45, 55, 65, 75, 85 and 95; and
- (b) the east and west halves of an oil and gas exploration grid area is the west boundary of sections 41 to 50.

(9) Where an oil and gas exploration grid area is broken or incomplete for any reason, the provisions of subsections (6), (7) and (8) may be modified by the Minister. R.R.O. 1970, Reg. 604, s. 1.

2.—(1) In this section and in sections 3 to 15, "petroleum products" includes,

- (a) related hydrocarbons other than coal; and
- (b) all gases and minerals and substances,
 - (i) whether liquid or solid, and
 - (ii) whether or not hydrocarbons,

produced in association with natural gas and petroleum or found in any water contained in any oil or gas reservoir.

(2) Any licence to explore and any lease issued under this Regulation shall be for natural gas and petroleum and petroleum products and shall exclude all other minerals.

(3) A licence to explore for natural gas and petroleum and petroleum products in, upon or under an oil and gas exploration grid area may be granted upon the terms and conditions provided in this Regulation. R.R.O. 1970, Reg. 604, s. 2.

3.—(1) The Minister may issue a licence in Form 1 to an applicant to enter upon and explore for natural gas and petroleum on an oil and gas exploration grid area.

(2) The licence shall be issued only upon application in writing to the Minister.

(3) The application shall be accompanied by,

- (a) a sketch and description of the oil and gas exploration grid area for which application is made;
- (b) a statement or other evidence showing the financial ability of the applicant to undertake the exploratory work required by this Regulation; and
- (c) the fee for the first year of the term of the licence.

(4) The Minister may,

- (a) consider applications from more than one applicant with respect to a specific oil and gas exploration grid area or specific oil and gas exploration grid areas and may request each applicant to submit a detailed plan of proposed development; and
- (b) issue a licence or licences to the applicant who, in his opinion, will develop the oil and gas exploration grid area or oil and gas exploration grid areas most advantageously.

(5) The Minister may offer for sale by tender the right to obtain a licence or licences for a specific oil and gas exploration grid area or for specific oil and gas exploration grid areas and shall give public notice of the sale, specifying the lands and the manner of tendering.

(6) A licence,

- (a) shall be for an oil and gas exploration grid area; or

(b) may, in circumstances satisfactory to the Minister, be for half of an oil and gas exploration grid area.

(7) Where adjoining oil and gas exploration grid areas are not of full size, the Minister may consent to the adjoining oil and gas exploration grid areas being combined in an application. R.R.O. 1970, Reg. 604, s. 3 (1-7).

(8) A licence shall be for a term of three years.

(9) The fee for a licence is \$250 payable annually in advance during the term of the licence. R.R.O. 1970, Reg. 604, s. 3 (9, 10).

4.—(1) The licensee shall expend,

- (a) during the first year of the term of the licence, a sum averaging at least five cents an acre;
- (b) during the second year of the term of the licence, a sum averaging at least five cents an acre; and
- (c) during the third year of the term of the licence, a sum averaging at least ten cents an acre,

in geophysical, geological or other exploratory work of a kind acceptable to the Minister, or in drilling, on the oil and gas exploration grid area specified in the licence.

(2) Where, during any year of the term of a licence or a renewal, the licensee expends an amount greater than the amount required under subsection (1) for that year, he may apply the excess amount against the amount required to be expended in any other year or years of the original term or of a renewal. R.R.O. 1970, Reg. 604, s. 4 (1, 2).

(3) Where a licensee who is the holder of more than one licence expends an amount greater than the amount required under subsection (1) on an oil and gas exploration grid area specified in one licence, the licensee may apply the excess amount to one or more of the oil and gas exploration grid areas specified in his other licences, so long as the oil and gas exploration grid area or areas are located within a radius of one hundred miles of the oil and gas exploration grid area on which he has expended the excess amount and provided the total of the area of the exploration grid area or areas on which amounts have been expended and the area of the exploration grid area or areas to which the excess is applied does not exceed 2,000,000 acres. O. Reg. 540/72, s. 2.

(4) Where an excess amount is applied to an oil and gas exploration grid area under subsection (3), the excess amount must be applied to work performed during the term, or renewal term, of the licence for the oil and gas exploration grid area.

(5) Where holders of licences for separate but contiguous oil and gas exploration grid areas carry

out geophysical exploration jointly on their oil and gas exploration grid areas, each licensee may apply the amount actually expended by him, in the joint geophysical exploration, on his oil and gas exploration grid area.

(6) Where holders of licences for separate but contiguous oil and gas exploration grid areas jointly engage in drilling a well within ten miles of their common boundary, each licensee may apply the amount actually expended by him, in drilling the well, on his oil and gas exploration grid area.

(7) Where during the first year of the term of a licence or during any subsequent year, or during the term of any renewal, except the last renewal permitted under section 5, the amount expended by the licensee is less than the amount required under this section, the licensee shall deposit with the Minister an amount equal to the difference between the amount expended and the amount required to be expended.

(8) An amount deposited under subsection (7) shall be deposited within thirty days of the commencement of the next year of the term or of the commencement of the renewal, as the case may be, and shall be in cash or in,

(a) bearer bonds of,

(i) the Province of Ontario,

(ii) Ontario Hydro, or

(iii) the Government of Canada; or

(b) the form of a promissory note guaranteed by a chartered bank of Canada.

(9) A deposit under subsection (7) is compliance with respect to expenditure requirements for the purpose of section 5.

(10) Subject to subsection (11), where a licensee expends the minimum required for a year in which an amount has been deposited under subsection (7), the amount shall be refunded upon proof of the expenditure by means of the statement required by section 6.

(11) Any sum expended,

(a) after an amount has been deposited under subsection (7);

(b) in respect of the lands described in a licence during the remaining term of the licence or of any renewal,

shall be applied to the first year, second year and third year of the term of the licence and to the term of the first renewal, second renewal, third renewal, fourth renewal, fifth renewal and sixth renewal, in that order.

(12) Where an amount has been deposited with the Minister with respect to the lands described in a licence and the licensee,

(a) fails to deposit any further amount in the amount required by this section;

(b) fails to expend the minimum sum required within the term, or a renewal term, of the licence; or

(c) fails to obtain a renewal of the licence,

that part of the amount deposited that equals the difference between the minimum required to be expended in the year or years for which the deposit was made and the amount expended for that year or those years is forfeit to the Crown in right of Ontario.

(13) Where part of an amount that has been deposited is forfeited, the balance shall be refunded to the licensee within thirty days after the forfeiture.

(14) Upon forfeiture of an amount deposited under subsection (7), the licence in respect of which the deposit was made is terminated. R.R.O. 1970, Reg. 604, s. 4 (4-14).

5.—(1) Where, during the term of a licence,

(a) the licensee has complied with the terms and conditions of the licence and with the Act and this Regulation;

(b) there has been no discovery of natural gas or petroleum in commercial quantities on the lands described in the licence;

(c) the licensee applies to the Minister before the expiry of the licence,

the Minister may renew the licence for a term of one year in Form 2.

(2) Where, during the term of a renewal,

(a) the licensee has complied with the terms and conditions of the licence and with the Act and this Regulation;

(b) there has been no discovery of natural gas or petroleum in commercial quantities on the lands described in the licence; and

(c) the licensee applies to the Minister before the expiry of the renewal,

the Minister may issue a further renewal for one year, but not more than six renewals shall issue with respect to any licence.

(3) The fee for each renewal is \$500, payable in advance.

(4) The minimum sums required to be expended for each acre of land in the lands described in a renewal of a licence are,

- (a) thirty cents for a first renewal;
- (b) forty cents for a second renewal;
- (c) fifty cents for a third renewal;
- (d) fifty cents for a fourth renewal;
- (e) fifty cents for a fifth renewal; and
- (f) fifty cents for a sixth renewal,

and the expenditures shall be for work as prescribed in section 4.

(5) A licensee may surrender his licence or renewal at any time upon giving written notice thereof to the Minister at least thirty days before the surrender is to take effect.

(6) A licensee may, with the consent of the Minister, surrender half of the oil and gas exploration grid area specified in his licence or renewal, if the part being retained complies with subsection 1 (8).

(7) Where a surrender is made and accepted under subsection (6), the expenditure for the year of the term in which the surrender is made shall be that required for the lands described in the licence prior to the surrender, but the expenditure for any subsequent year or years of the term shall be based on the remaining lands. R.R.O. 1970, Reg. 604, s. 5.

6.—(1) Within thirty days after each anniversary date of the issue of a licence or a renewal, the licensee shall submit a sworn statement to the Minister,

- (a) detailing the amount and manner of all expenditures made by him in geophysical, geological or other exploratory work as prescribed in section 4; and
- (b) giving full particulars of the work and operations carried on by him,

during the previous twelve-month period on the lands described in the licence or renewal.

(2) Where the Minister is not satisfied by the sworn statement of the licensee that he has expended the sums required by sections 4 and 5 for which the statement has been submitted, the Minister may send a notice by registered mail to the licensee at his latest address recorded in the Department, requiring him to submit such further details as are in the opinion of the Minister necessary to prove that the expenditure complies with the requirements of sections 4 and 5 and, if the licensee is still

unable to satisfy the Minister that the expenditures have been in compliance with the requirements of sections 4 and 5, the Minister may disallow the expenditures or any part of them.

(3) No expenditures other than those detailed in the sworn statement referred to in subsection (1) and allowed by the Minister shall be credited to the minimum required to be expended under sections 4 and 5. R.R.O. 1970, Reg. 604, s. 6.

7. While a licence is in force, the licensee has the sole and exclusive right to drill for natural gas and petroleum on the lands described in the licence. R.R.O. 1970, Reg. 604, s. 7.

8.—(1) Upon application to the Minister, a licensee shall be granted a lease to produce natural gas and petroleum if the Minister is satisfied that a well drilled on the lands described in the licence, or in a licence for a contiguous area held by the same licensee, has indicated the presence of natural gas or petroleum in commercial quantities.

(2) The lands to be included in a lease shall be selected by the licensee from the lands described in his licence and shall not be for more than one-half of the number of sections in the oil and gas exploration grid area specified in the licence.

(3) Every application for a lease shall be accompanied by,

- (a) the rent for the first year of the term; and
- (b) a diagram and description of the lands to be included in the lease.

(4) The lands to be included in a lease shall be composed of quadrilateral blocks of sections not larger than five sections by three sections or four sections by four sections.

(5) Where more than one block is included in an application, each block shall corner another block or be separated from another block by at least one section.

(6) No lease shall be granted for less than one section.

(7) A lease shall be in Form 3 and shall be for a term of twenty-one years.

(8) Where commercial production of natural gas or petroleum is obtained and where at any time before the expiry of the lease the Minister is satisfied that the productive life of the lease is longer than the term thereof, he may renew the lease for successive periods of not more than twenty-one years each.

(9) The annual rental for a lease is \$1 an acre or \$1,000, whichever is the greater, payable in advance.

(10) Royalty is payable to the Treasurer of Ontario on natural gas, petroleum and petroleum products,

- (a) on all natural gas produced, of 10 per cent of the prevailing field price for natural gas; and
- (b) on all petroleum and petroleum products, of 10 per cent of the actual value at the wellhead,

but no royalty is payable on natural gas, petroleum or petroleum products used on the premises for drilling or exploration purposes.

(11) The amount of royalty payable in any year shall be reduced by the amount of rent paid on the lease for that year.

(12) Where production of natural gas, petroleum or petroleum products is restricted or limited under the *Energy Act*, the regulations thereunder or any order of the Ontario Energy Board, the Minister may reduce or suspend the rental payable by the lessee in such manner and to such extent as he considers expedient.

(13) The lessee shall,

- (a) keep a record of all natural gas, petroleum and petroleum products produced, sold or otherwise disposed of each year under each lease held by him; and
- (b) within thirty days after each anniversary date of the lease, submit to the Minister a sworn statement showing the quantity and actual value at the well-head of all natural gas, petroleum and petroleum products produced during the previous twelve-month period, together with a remittance for any royalty payable for that period.

(14) Where a lease is issued for any part of the lands described in a licence, the licence is terminated.

(15) A lessee may, on thirty days prior written notice to the Minister, surrender any part of the lands included in a lease so long as the part being retained complies with subsections (4), (5) and (6).

(16) Where a surrender has been made under subsection (15), the annual rent for the year in which the surrender is made shall be based on the lands included in the lease at the commencement of that year, but the annual rent for ensuing years shall be based on the lands being retained. R.R.O. 1970, Reg. 604, s. 8.

9. Notwithstanding section 3, where a licence is terminated under subsection 8 (14) or under section 10, the Minister may offer for sale by tender the right to obtain a licence or licences or a lease or leases for a specific parcel or specific parcels and shall give public notice of the sale, specifying the lands and the method of tendering. R.R.O. 1970, Reg. 604, s. 9.

10. If default is made,

- (a) in the performance or observance of the terms and conditions of a licence, or of the Act or this Regulation; or
- (b) by a lessee in payment of rent or royalties, or both, or in the performance or observance of the terms and conditions of the lease or of the Act, or this Regulation respecting his lease,

and the default is not remedied within thirty days after notice has been delivered or sent by registered mail to the holder of the licence or the lessee, as the case may be, at his latest address recorded with the Ministry, setting forth the default and calling upon him to remedy the default,

- (c) in the case of a licence, the Minister may forthwith cancel the licence; or
- (d) in the case of a lease, the Minister may forthwith declare the lease forfeit and void. R.R.O. 1970, Reg. 604, s. 10.

11. The licensee or lessee, as the case may be, shall carry out all drilling and exploratory work in accordance with the *Mining Act*, the *Petroleum Resources Act* and all other applicable Acts and the regulations thereunder. R.R.O. 1970, Reg. 604, s. 11.

12. A licence or a lease, issued under this Regulation, or any interest therein shall not be transferred or assigned without the written consent of the Minister. R.R.O. 1970, Reg. 604, s. 12.

13.—(1) The licensee or lessee, as the case may be, shall submit to the Minister reports, maps, photographs and drilling logs in duplicate, covering all geological and geophysical examinations, drilling, prospecting or other exploratory or development work, within sixty days of completion.

(2) Except with the consent of the licensee or lessee, as the case may be, material submitted under subsection (1) shall not be made public for one year from the date of submission or for such longer period as the Minister, at his discretion, may direct. R.R.O. 1970, Reg. 604, s. 13.

14.—(1) Where any uncertainty or dispute arises respecting the position of any boundary, the Minister may require the licensee or lessee, as the case may be,

to file a cadastral survey showing the boundary in respect of which the uncertainty or dispute has arisen.

(2) The licensee shall supply any necessary cadastral surveys of the lands selected under section 8 in accordance with instructions issued by the Minister and in a form acceptable under the *Land Titles Act* and the regulations thereunder. R.R.O. 1970, Reg. 604, s. 14.

15.—(1) Where an exploratory licence for natural gas and petroleum has been issued under subsection 190 (2) of the Act, and the terms of the licence provide for conversion to licences or permits under regulations in force at the time of conversion, this Regulation applies, subject to any special conditions contained in the licence.

(2) Where there has been an over-expenditure on exploration on land described in a licence referred to in subsection (1) and there is a provision in the licence for a limited carry-over of over-expenditures to be applied against licences issued under this Regulation, the Minister, at his discretion, may increase the limit of the amount that may be applied if the over-expenditure is the result of the drilling of a well or wells.

(3) Where, in an exploratory licence described in subsection (1), the lands described in the licence are described as rectangular areas, bounded by meridians of longitude and parallels of latitude with the northeast co-ordinate for each rectangular area given, the lands described in the licence shall be deemed for the purpose of this Regulation to be comprised of oil and gas exploration grid areas, and the limits of the lands described in the licence shall be deemed to be in conformity with the oil and gas exploration grid area limits, and where all or part of the lands described in the licence do not comprise an entire oil and gas exploration grid area the lands shall be deemed to comprise a part of an oil and gas exploration grid area as described in section 1, the limits of which part shall be in conformity with the limits of the sections, or with straight lines of sight, established proportionally between the section lines. R.R.O. 1970, Reg. 604, s. 15.

Form 1

Mining Act

EXPLORATORY LICENCE OF OCCUPATION

No.

Under the *Mining Act* and the regulations, and subject to the limitations thereof, this licence of occupation is issued to.....
of.....

to enter upon and explore for natural gas and petroleum on the oil and gas exploration grid area specified in the attached Schedule upon the following terms and conditions:

1. Payment of an annual fee of.....
on or before.....in each year.
2. This licence is for a term of three years
commencing.....
3. The licensee shall expend,
 - i. during each of the first and second years of the licence, a sum averaging at least five cents an acre; and
 - ii. during the third year of the term of the licence, a sum averaging at least ten cents an acre.
4. This licence, or any interest therein, shall not be transferred or assigned without the consent in writing of the Minister.

.....
Minister of Natural
Resources

Toronto,....., 19....

R.R.O. 1970, Reg. 604, Form 1.

Form 2

Mining Act

RENEWAL OF EXPLORATORY LICENCE
OF OCCUPATION

Under the *Mining Act* and the regulations, and subject to the limitations thereof, this.....
renewal of Exploratory Licence of Occupation No.
.....is issued to.....
.....
of.....

to enter upon and explore for natural gas and petroleum on the oil and gas exploration grid area specified in the licence, upon the following terms and conditions:

1. Payment of the fee of \$.....

2. This renewal is for a term of one year com-
mencing.....
.....
3. The licensee shall expend during the term
of the licence, a sum averaging.....
cents an acre.
4. This renewal, or any interest therein, shall
not be transferred or assigned without the
consent in writing of the Minister.

.....
Minister of Natural
Resources

Toronto,....., 19....

R.R.O. 1970, Reg. 604, Form 2.

Form 3

Mining Act

This Indenture made the....day of.....,
One thousand nine hundred and....., in pursu-
ance of the *Short Forms of Leases Act*

BETWEEN:

HER MAJESTY THE QUEEN in right
of Ontario, as represented by the
Minister of Natural Resources;

hereinafter called the lessor
of the First Part

—and—

.....
hereinafter called the lessee
of the Second Part

WITNESSETH that under section 113 of the *Mining
Act* and the regulations, and subject to the pro-
visions thereof, and in consideration of the rents,
royalties, covenants and agreements hereinafter re-
served and contained on the part of the lessee,
the lessor doth demise and lease unto the lessee
all that parcel or tract of land lying and being

.....
.....
containing.....acres, more or less.

To HAVE AND TO HOLD the said demised premises
for the purpose of exploring for and producing
natural gas, petroleum and petroleum products for
and during the term of twenty-one years to be com-
puted from the.....day of....., one
thousand nine hundred and....., and thence-
forth next ensuing and fully to be complete and
ended.

YIELDING AND PAYING therefor yearly and every
year the rent or sum of.....payable
on the following days and times, that is to say, on
the.....day of.....in each year of
the said term, the first of such payments to become
due and be made on or before the.....day of
.....

ALSO YIELDING AND PAYING therefor yearly and
every year during the said term royalties as
follows:

- (a) on all natural gas produced, 10 per cent of
the prevailing field price for natural gas;
and
- (b) on all petroleum and petroleum products,
10 per cent of the actual value at the
well-head,

but no royalty shall be payable on natural gas,
petroleum or petroleum products used on the
premises for drilling or exploration purposes, such
payment to be made on or before the.....day of
.....in each year.

PROVIDED that the amount of royalty payable in
any year shall be reduced by the amount of rent
paid for that year.

THE LESSEE shall on or before the.....day of
.....in each year submit to the lessor
a sworn statement showing the quantity of natural
gas obtained or saved and the prevailing field price
thereof, and the quantity and actual value at the
well-head of all petroleum and petroleum products
obtained or saved from the herein described lands
during the twelve-month period ending thirty days
preceding the said date.

THE SAID LESSEE covenants with the said lessor
to pay rent and royalties.

AND TO PAY taxes including local improve-
ments.

AND THAT THE SAID LESSOR may enter and view state of repair; and that the said lessee will repair according to notice in writing, reasonable wear and tear and damage by fire, lightning and tempest only excepted.

AND THAT he will leave the premises in good repair, reasonable wear and tear and damage by fire, lightning and tempest only excepted.

PROVIDED that, at the expiration of the lease, or where the lease is forfeited, the provisions of section 64 of the *Mining Act* shall apply with necessary modifications.

PROVISO for re-entry by the said lessor on non-performance of covenants.

RESERVING the free use, passage and enjoyment of, in, over and upon all navigable waters which shall or may be found on or under or be flowing through or upon any part of the said parcel or tract of land hereby demised.

RESERVING FURTHER such use of the land hereby demised for such works as may be necessary for the development of water power and the development, transmission and distribution of electrical power and the transmission of natural gas, petroleum and petroleum products, including the construction, maintenance and operation of roads, railroads, transmission lines and stations, flumes, pipelines, dams, power houses and other works and structures without any liability.

RESERVING ALSO all trees standing or being on the herein described lands, together with the right to enter upon the herein described lands to remove the timber, as provided by section 105 of the *Mining Act*.

RESERVING ALSO 10 per cent of the acreage herein described for roads and the right to lay out roads where the Crown or its officers considers necessary.

PROVIDED that where the lessor is satisfied before the expiry of this lease that the productive life of the lands herein described is longer than the term hereof, this lease may be renewed for successive periods of not more than twenty-one years and each and every renewal shall date from the day after the expiration of this lease or the last renewal thereof, if application therefor is made to the Minister of Natural Resources within ninety days of the expiration of this lease or the last renewal thereof, or within such further period as the Minister of Natural Resources in the circumstances considers proper.

PROVIDED that, all drilling and other exploratory work on the herein described lands shall be carried out in accordance with the provisions of the *Mining Act* and the *Petroleum Resources Act* and all regulations made thereunder and all other applicable Acts and regulations.

PROVIDED that, in default of compliance with any of the terms, requirements, provisions and conditions herein contained, or of payment of the rent or royalties as aforesaid during the said terms, the lease shall be held to have ceased, ended and determined, and all the right, title, or claim of the said lessee under the lease shall revert to and become the property of and be vested in the lessor anything herein contained notwithstanding.

PROVIDED that this lease and the terms hereby created shall not be transferred or assigned without the written consent of the Minister of Natural Resources or Deputy Minister of Natural Resources.

PROVIDED that the lessee subject to the approval of the lessor shall have the right to erect such structures and lay pipelines within the herein described limits as are necessary to carry out the operations of exploring, drilling for, producing, collecting, storing, removing and transmitting natural gas, petroleum and petroleum products.

PROVIDED that no petroleum, petroleum products or natural gas obtained or saved from the herein described lands shall be conveyed outside Ontario.

PROVIDED that the books, accounts and records of the lessee having references to the operations of the herein described lands and the plant and machinery in connection therewith shall at all times be open to inspection by the Minister of Natural Resources or his authorized agent.

PROVIDED that where any uncertainty or dispute arises respecting the position of any boundary, the lessee, if so required by the lessor, shall file a cadastral survey showing the boundary in respect of which the uncertainty or dispute has arisen and such survey shall be carried out in accordance with instructions issued by the Minister of Natural Resources.

PROVIDED that the lessee shall submit to the Minister of Natural Resources reports, maps, photographs and drilling logs in duplicate covering all geological and geophysical examinations, drilling, prospecting or other exploratory or development work within sixty days of completion.

PROVIDED that the right to remove, and to allow the removal of, sand and gravel and other mines and minerals, excepting natural gas, petroleum and petroleum products, from the herein described lands, and to grant or use such parts of the said lands for such other purposes as may be considered necessary, is specifically reserved to the Crown.

THE SAID LESSEE covenants with the said lessor to comply with section 104 of the *Mining Act*.

PROVIDED that the terms and conditions hereof shall not be construed as conveying any right or interest to the mines and minerals other than natural gas, petroleum and petroleum products and shall not limit the staking or acquiring of other mines and minerals under the *Mining Act*.

WHERE the word "lessee" occurs in this indenture, it shall include the heirs, executors, administrators, successors and assigns of the lessee.

IN WITNESS WHEREOF the said parties have hereunto set their hands and seals.

SIGNED, SEALED AND
DELIVERED

In the presence of

.....
.....
.....
Minister of Natural
Resources

REGULATION 634

under the Mining Act

EXPLORATORY LICENCES AND PRODUCTION LEASES FOR NATURAL GAS IN LAKE ERIE

EXPLORATORY LICENCE

1.—(1) The Minister may issue an exploratory licence in Form 1 authorizing the holder to explore for natural gas on Crown lands under the waters of Lake Erie.

(2) The licence shall be issued only upon application in writing to the Minister.

(3) The application shall be accompanied by,

- (a) a description of the area for which the application is made; and
- (b) a statement showing the financial ability of the applicant to undertake the exploratory work required by this Regulation.

(4) The Minister may,

- (a) consider applications from more than one applicant in respect of a specific area or areas and may request each applicant to submit a detailed plan of proposed development;
- (b) offer for sale by tender the right to obtain a licence or licences where more than one application has been received for a specific area or areas; and
- (c) issue a licence or licences to the applicant who, in his opinion, will develop the area or areas most advantageously. O. Reg. 546/71, s. 1.

2.—(1) The licence shall describe the area shown in accordance with the grid system, as shown on the plan filed in the Archives of Ontario at Toronto as No. 1495. O. Reg. 1111/80, s. 1, *part*.

(2) The Minister may issue by description, licences for areas shown on the official plan lying outside of the grid system. O. Reg. 241/72, s. 1, *part*.

(3) Rents and expenditures for licences issued in accordance with subsection (2) shall be calculated on the basis of one tract being equivalent to approximately 630 acres.

(4) For the purposes of this Regulation, one block means twenty-five tracts. O. Reg. 1111/80, s. 1, *part*.

3. No licence shall be issued for areas larger than one block or for partial tracts, except where such tracts are adjacent to the International Boundary. O. Reg. 1111/80, s. 2.

4. Applications for licences will be considered quarterly and the date for receipt of such applications will close on the first day of the months of January, April, July and October and such licences, when issued, shall be dated accordingly. O. Reg. 546/71, s. 4.

5. Where a request is made in writing to have licences issued other than quarterly as prescribed by section 4, the Minister may consider such applications and where such consideration is given, the Minister shall offer for sale by tender, the right to obtain a licence or licences for a specific area or areas and shall give public notice of the sale, specifying the area or areas and the method of tendering. O. Reg. 546/71, s. 5.

6. An exploratory licence shall be issued for a term not to exceed five years and shall have an anniversary date of January 1st. O. Reg. 1111/80, s. 3.

7. The annual rental for an exploratory licence is \$94.50 for each whole tract and 15 cents per acre for each partial tract payable in advance but during the first year of the licence where such period is less than twelve months, the rental shall be determined on a *pro-rata* basis. O. Reg. 546/71, s. 7.

8.—(1) The licensee shall expend for each tract or fraction thereof,

(a) during the first year, the sum of at least \$1,250, but where such period is less than twelve months, expenditure shall be determined on a *pro-rata* basis; and

(b) during the second and subsequent years, the sum of at least \$2,500,

in geophysical exploration and drilling in the area specified in the licence. O. Reg. 1111/80, s. 4 (1).

(2) Where the Minister consents thereto, partial tracts may be combined for the purpose of expenditures on the basis of approximately 630 acres being equivalent to one tract. O. Reg. 546/71, s. 8 (2); O. Reg. 1111/80, s. 4 (2).

(3) Where the Minister consents thereto, a licensee may surrender his licence in whole or in part at any time upon giving written notice thereof to the

Minister at least thirty days before the surrender is to take effect. O. Reg. 546/71, s. 8 (3).

(4) Where a surrender is made and accepted under subsection (3), the expenditure for the year of the term in which the surrender is made shall be that required for the area described in the licence prior to the surrender, but the expenditure for any subsequent year or years of the term shall be based on the remaining area described in the revised licence. O. Reg. 546/71, s. 8 (4); O. Reg. 1111/80, s. 4 (3).

9. Where, during the final year of the term of the licence, the licensee is prevented by weather, water or other conditions from carrying out the geophysical exploration or drilling required by this Regulation, the Minister may, upon application in writing within thirty days of the end of the final year of the term of the licence, extend the licence for a period not exceeding six months and this extended period shall be considered part of the final year of the term. O. Reg. 546/71, s. 9; O. Reg. 1111/80, s. 5.

10. Where, during any year of the term of the licence, the licensee expends a sum of money greater than that required under this Regulation for that year, he may credit the excess amount against the sum of money required to be expended in any other year or years of the term of the licence. O. Reg. 546/71, s. 10 (1).

11. Subject to the *Petroleum Resources Act* and the regulations thereunder, where separate holders of licences jointly engage in geophysical exploration or drilling on contiguous acreage the Minister may permit each licence holder to credit the amount actually expended by him to the licences to which the joint activity applies. O. Reg. 1111/80, s. 7.

12.—(1) Where the sum of money expended by a licensee in respect of a licence in any year of the term of the licence is less than the minimum required by section 8 for the purposes therein, the licensee shall deposit with the Minister, on or before the 1st day of January of the following year, a sum of money equal to the difference between the amount expended and the minimum required to be expended. O. Reg. 546/71, s. 12 (1).

(2) Amounts deposited with the Minister shall be in cash or in the form of,

- (a) bonds of the Province of Ontario or Ontario Hydro; or
- (b) an irrevocable letter of credit issued and guaranteed by a branch of a Canadian chartered bank situate in the City of Toronto in The Municipality of Metropolitan Toronto requiring the branch to pay on demand a bill of exchange payable to the Treasurer of Ontario drawn by the Deputy Minister of Natural Resources on

the branch. O. Reg. 546/71, s. 12 (2); O. Reg. 616/73, s. 1 (1); O. Reg. 1111/80, s. 8.

(3) The licensee shall deposit with the Minister such further security as the Minister may require in order to maintain the market value of the security deposited under clause (2) (a) at not less than the amount required to be deposited in accordance with subsection (1). O. Reg. 616/73, s. 1 (2).

13.—(1) The sums of money expended by a licensee in the year following the year in respect of which an amount has been deposited under section 12 shall be applied firstly to the credit of that preceding year and any balance of money expended that exceeds the amount deposited shall be applied to the credit of the current year.

(2) Where, during the year following the year in respect of which an amount has been deposited under section 12, the licensee expends a sum equal to or greater than the total of the minimum required for that year and the amount deposited, the amount deposited shall be refunded to the licensee.

(3) Where, during the year following the year in respect of which an amount has been deposited under section 12, the licensee expends a sum less than the total of the minimum required for that year and the amount deposited, the licensee shall deposit with the Minister such additional sum of money as is required to make the amount on deposit with the Minister equal to the difference between the amount expended and the minimum amount required to be expended by section 8. O. Reg. 546/71, s. 13.

14.—(1) Where an amount has been deposited with the Minister in respect of a licence, and the licensee,

- (a) fails to deposit any further amounts in the amount and within the times required by this Regulation; or
- (b) fails to expend the minimum amounts required by section 8 within the term or extended term of the licence,

that part of the amount deposited that equals the difference between the minimum required to be expended in the year for which the deposit was made, and the amount expended for that year, is forfeit to the Crown in right of Ontario.

(2) Where part of an amount deposited with the Minister is forfeited, the balance shall be refunded to the licensee within thirty days after the date of the forfeiture.

(3) Upon forfeiture of an amount deposited with the Minister, the licence, in respect of which the deposit was made, shall be cancelled. O. Reg. 546/71, s. 14.

15. Where a licensee is in default of one or more licences and such licence or licences have been cancelled or surrendered, the Minister may cancel, in whole or in part, any or all other licences held by the licensee where, in his opinion, the licensee is unable to satisfactorily develop the area or areas contained in the licence or licences. O. Reg. 546/71, s. 15.

16.—(1) Every licensee shall submit to the Minister reports, maps and drilling logs in duplicate, covering all geological and geophysical examinations, drilling or other exploratory or development work done by the licensee or for the licensee within six months of completion, except those documents submitted in accordance with the *Petroleum Resources Act* and the regulations thereunder.

(2) Subject to the *Petroleum Resources Act* and the regulations thereunder and except with the consent of the licensee, material submitted under subsection (1) shall not be made public for one year from the date of completion of the work or for such longer period as the Minister, at his discretion may direct. O. Reg. 1111/80, s. 9.

17.—(1) On or before the 1st day of March in each year, the licensee shall submit a sworn statement to the Minister,

- (a) detailing the amount and manner of all expenditures made by him in geophysical, geological or other exploratory work as prescribed in section 8; and
- (b) giving full particulars of the work and operations carried on by him,

during the previous calendar year on the area described in the licence, but where the Minister consents thereto, the licensee may include expenditures made by him but not filed on the previous statement because of the unavailability of records. O. Reg. 546/71, s. 17 (1).

(2) Where the Minister is not satisfied by the sworn statement of the licensee that he has expended the sums required by section 8 for which the statement has been submitted, the Minister may send a notice by mail to the licensee at his latest address recorded in the Ministry requiring him to submit such further details as are in the opinion of the Minister necessary to prove that the expenditure complies with the requirements of section 8 and if the licensee is still unable to satisfy the Minister that the expenditures have been in compliance with the requirements of section 8, the Minister may disallow the expenditures or any part of them. O. Reg. 546/71, s. 17 (2); O. Reg. 1111/80, s. 10.

(3) No expenditures other than those detailed in the sworn statement referred to in subsection (1) and allowed by the Minister shall be credited to the

minimum required to be expended under section 8. O. Reg. 546/71, s. 17 (3).

18. While a licence is in force, the licensee has the sole and exclusive right to drill for natural gas on the area described in the licence. O. Reg. 546/71, s. 18.

19. Where drilling in any of the waters referred to in subsection 1 (1) has been suspended by a competent authority, or the licensee is prevented by weather, water, or other condition and the suspension or other condition is not annually recurring, the Minister may reduce the rental and amounts required to be expended under section 8 for the year during which the suspension or condition occurs. O. Reg. 546/71, s. 19; O. Reg. 1111/80, s. 11.

PRODUCTION LEASE

20.—(1) Upon application to the Minister, a licensee shall be granted a lease in Form 2 to produce natural gas if the Minister is satisfied that a well drilled on the area described in the licence, or in a licence for a contiguous area held by the same licensee, has indicated the presence of economically producible natural gas. O. Reg. 1111/80, s. 12 (1), *part*.

(2) The area to be included in a production lease shall be selected by the licensee from the area described in his exploratory licence and shall not be composed of unit areas of less than one tract except where the Minister grants approval, or as provided for in section 3. O. Reg. 546/71, s. 20 (2).

(3) Where the Minister is not satisfied that the area to be included in a production lease as selected by the licensee has been proven to reasonably contain economically producible natural gas, he may decrease the area accordingly, or refuse to grant a lease. O. Reg. 1111/80, s. 12 (1), *part*.

(4) Every application for a production lease shall be accompanied by,

- (a) where the area is described by the grid system,
 - (i) the rent for the first year of the term, and
 - (ii) a description of the grid areas to be included in the production lease; or
- (b) where the area is not part of the grid system,
 - (i) the rent for the first year of the term, and
 - (ii) a copy of a lease plan and supporting field notes, surveyed and prepared by an Ontario Land Surveyor in a manner acceptable to the Minister. O. Reg. 241/72, s. 2, *part*.

- (5) The annual rental for a production lease is,
- (a) where the area is described by the grid system,
 - (i) \$315 for each whole or regular tract, and
 - (ii) 50¢ per acre for each partial tract;
 - (b) where the area is not part of the grid system, 50¢ per acre; or
 - (c) notwithstanding clauses (a) and (b) where a tract or tracts under lease do not have a well as defined in the *Petroleum Resources Act* located therein, \$1.00 per acre,

payable in advance, but during the first year of the lease where such period is less than twelve months, the rental shall be determined on a *pro rata* basis. O. Reg. 241/72, s. 2, *part*; O. Reg. 1111/80, s. 12 (2).

(6) A production lease shall be for a term not to exceed ten years and shall have an anniversary date of January 1st.

(7) Where production of natural gas is obtained and production continues beyond the life of the lease, the Minister shall renew the production lease or portions thereof for successive periods of not more than ten years each. O. Reg. 546/71, s. 20 (6, 7).

(8) Royalty is payable to the Treasurer of Ontario on natural gas marketed off the lease at the rate of 12½ per cent of the prevailing field price.

(9) Subject to subsection (13) the amount of royalty payable in any year shall be reduced by,

- (a) the amount of the rental for last year; and
- (b) the amount of allowable pipeline construction credit,

up to a maximum of 50 per cent of the royalty payable. O. Reg. 1111/80, s. 12 (3), *part*.

(10) In calculating the amount of royalty payable, the production of each lessee for each pool shall be considered and the amount of rental and pipeline construction credit shall be credited on the basis of pool production.

(11) Where production from more than one pool is commingled under authority of the *Petroleum Resources Act*, the Ministry may approve the calculation of the amount of royalty payable on the basis of more than one pool but such calculations shall be subject to approval by the Minister.

(12) The rate of allowable pipeline construction credit shall be based on the total construction cost for each pipeline as approved by the Minister and subject

to clause (9) (b), shall not exceed 25 per cent of the total cost in the first year, 20 per cent in the second year, 10 per cent in the third, fourth and fifth years and 5 per cent in the sixth, seventh, eighth, ninth and tenth years but the Minister may allow credits not used in one year to be carried forward to successive years. O. Reg. 546/71, s. 20 (10-12).

(13) The maximum 50 per cent royalty reduction mentioned in subsection (9) shall be reduced 5 per cent for each 5 per cent increase in the prevailing field price which for the purpose of this subsection shall be deemed to be \$2.00 M.C.F. Toronto City Gate. O. Reg. 1111/80, s. 12 (3), *part*.

(14) Where production of natural gas is restricted or limited under the *Petroleum Resources Act*, the regulations thereunder or any order of the Ontario Energy Board, the Minister may reduce or suspend the rental payable by the lessee in such manner and to such extent as he considers proper. O. Reg. 546/71, s. 20 (18).

(15) The lessee shall,

- (a) keep a record of all natural gas produced, marketed or otherwise disposed of each year under the production leases held by him; and
- (b) on or before the 1st day of March in each year, submit to the Minister a sworn statement showing the cost of pipeline construction and the quantity and actual meter value to the lessee of all gas marketed during the previous calendar year, together with a remittance for any royalty payable for that period, as provided for by subsections (8) and (10). O. Reg. 546/71, s. 20 (19); O. Reg. 1111/80, s. 12 (5).

(16) A lessee may, on thirty days prior written notice to the Minister, surrender the whole or any part of the area included in a production lease provided that the area being surrendered complies with subsection (2) and all wells are plugged as provided for by the *Petroleum Resources Act* and regulations thereunder. O. Reg. 546/71, s. 20 (21); O. Reg. 1111/80, s. 12 (7).

(17) Where a surrender has been made under subsection (16), the annual rental for the year in which the surrender is made shall be based on the area included in the lease at the commencement of that year, but the annual rental for ensuing years shall be based on the area being retained. O. Reg. 546/71, s. 20 (22).

21. Where a production lease is terminated under section 23, the Minister may offer for sale by tender, the right to obtain such lease or leases in whole or in part and shall give public notice of the sale, specifying the area or areas and the method of tendering. O. Reg. 546/71, s. 21.

22.—(1) Where oil is encountered while drilling for natural gas, the area included in the licence that has been proven to reasonably contain oil shall be surrendered by the licensee, but the licensee shall have the first right for a production lease if a lease to produce oil is granted.

(2) Notwithstanding subsection (1), the licensee may, with the consent of the Minister, retain the area required to be surrendered, for the purpose of exploring for natural gas at a shallower depth to that at which the oil is encountered. O. Reg. 546/71, s. 22.

GENERAL

23. If default is made,

- (a) in the performance or observance of the terms and conditions of an exploratory licence or of the Act or this Regulation; or
- (b) by a lessee in payment of rent or royalties, or both or in the performance or observance of the terms and conditions of the production lease or of the Act or this Regulation,

and the default is not remedied within thirty days after notice has been delivered or sent by registered mail to the holder of the exploration licence or production lease as the case may be, at his latest address recorded with the Ministry, setting forth the default and calling upon him to remedy the default,

- (c) in the case of an exploration licence, the Minister may forthwith cancel the licence; or

- (d) in the case of a production lease, the Minister may forthwith declare the lease terminated. O. Reg. 546/71, s. 23; O. Reg. 1111/80, s. 13.

24. The holder of a licence or a lease shall carry out all exploration, drilling and production operations in accordance with the *Petroleum Resources Act* and the regulations thereunder and any orders made by the Ontario Energy Board. O. Reg. 546/71, s. 24.

25.—(1) The holder of a licence may, with consent of the Minister, transfer or assign to any other person, the rights conferred under the licence with respect to the whole or any part of the acreage covered by the licence provided that in no case shall the holder of the licence retain any interest in that portion of the licence affected by the transfer or assignment.

(2) The holder of a lease may, with the consent of the Minister, transfer or assign to any other person the rights conferred under the lease with respect to the whole or any part of the acreage covered by the lease. O. Reg. 546/71, s. 25.

26. Where any uncertainty or dispute arises respecting the position of any boundary, the Minister may require the licensee or lessee to make and file a cadastral survey acceptable to the Minister showing the boundary in respect of which the uncertainty or dispute has arisen. O. Reg. 546/71, s. 26.

Form 1

Mining Act

EXPLORATORY LICENCE OF OCCUPATION

Under the *Mining Act* and the regulations, and subject to the limitations thereof, this licence of occupation is issued to of on this day to enter upon and explore for natural gas on the area specified in the Schedule upon the following terms and conditions:

1. Payment of the remaining annual rental of \$ for the year on or before the licence issue date.
2. Payment of annual rental of \$ on or before January 1st in each of the remaining years.
3. The annual rental payable under this licence may be adjusted by amendments to the regulations and the licensee shall pay annual rental in accordance with such adjustment.
4. The licensee shall expend moneys on the licensed area in the amount prescribed by the regulations from time to time.
5. This licence expires December 31st
6. This licence shall not be transferred or assigned without the consent in writing of the Minister.

.....
Minister of Natural Resources

Dated at Toronto, this day of, 19....

Schedule

The attached licence of occupation is issued for the following block and tracts in accordance with the grid system, as shown on the plan filed in the Archives of Ontario at Toronto as No. 1495.

Block

Partial Block with Associated Tracts

O. Reg. 1111/80, s. 14, *part.*

Form 2

Mining Act

This Indenture made the day of one thousand, nine hundred and

BETWEEN:

Her Majesty the Queen in right of Ontario as
represented by the Minister of Natural Resources.

Hereinafter called the Lessor

and

.....
Hereinafter called the Lessee

Witnesseth that under section 115 of the *Mining Act* and the regulations, and subject to the provisions thereof, and in consideration of the rents, royalties, covenants and agreements hereinafter reserved and contained on the part of the lessee, the lessor doth demise and lease unto the lessee all that parcel or area of land lying and being

beneath the waters of as described on the attached Schedule containing acres more or less.

TO HAVE AND TO HOLD the said demised premises for the exclusive purpose of exploring for and producing natural gas, for a term of years days to commence on the day of and terminate on December 31st

YIELDING AND PAYING the remaining annual rental of for the year on or before the Lease issue date

YIELDING AND PAYING the annual rental of \$..... on or before January 1st in each of the remaining years.

ALSO YIELDING AND PAYING royalties on all natural gas marketed from the said lands in any calendar year, calculated at a rate of 12½ per cent of the prevailing field price, such payment to be made on or before March 1st of the next year.

PROVIDED that the amount of royalty payable in any year shall be reduced by the amount of rent paid for that year.

The Lessee shall, on or before March 1st in each year submit to the Lessor a sworn statement showing the quantity of natural gas produced during the previous year and the prevailing field price thereof.

THE SAID LESSEE COVENANTS with the said Lessor:

1. To pay rent and royalties.
2. To pay taxes.
3. To carry out all work in accordance with the *Mining Act*, the *Petroleum Resources Act*, the *Ontario Energy Board Act*, and all regulations or orders made thereunder.

THE SAID LESSOR covenants with the said Lessee:

1. To grant the exclusive right to explore for and produce natural gas from the said lands.
2. To grant the right to erect such structures and lay pipelines within the herein described limits as are necessary to carry out the operations of exploring, drilling, producing, collecting, removing and transmitting natural gas.

SAVING, EXCEPTING AND RESERVING UNTO THE CROWN:

1. Such use of the land hereby demised for such works as may be necessary for the development of water power and the transmission and distributing of electrical power and the transmission of natural gas, including the construction, maintenance and operation of any transmission lines, pipelines, powerhouse and other works and structures without any liability.

2. The right to remove, and to allow the removal of sand and gravel or minerals, excepting natural gas, from the herein described lands, and to grant or use such parts of the said lands for such other purposes as may be deemed necessary.

DEFAULT

IN DEFAULT of compliance with any of the terms, requirements, provisions and conditions herein contained, or of payment of the rent or royalties during the said term, the lease shall be held to have ceased, ended and determined, and all the right, title, or claim of the said Lessee under the lease shall revert to and become the property of and be vested in the lessor anything herein contained notwithstanding.

RENEWAL

PROVIDED that where the Lessor is satisfied before expiry of this lease that the productive life of the area herein described is longer than the term hereof, if application therefor is made to the Minister of Natural Resources within ninety days of the expiration of this lease or the last renewal thereof, or within such further period as the Minister of Natural Resources in the circumstances deems proper, this lease shall be renewed for successive periods of not more than ten years and each and every renewal shall date from the day after the expiration of this lease or the last renewal thereof.

ADJUSTMENT OF RENT AND ROYALTIES

PROVIDED that annual rental and royalties payable may be adjusted from time to time by amendments to the regulations and the lessee shall pay annual rental and royalties in accordance with such adjustment.

TRANSFER OF INTEREST

The lease and the terms hereby created shall not be transferred or assigned without the written consent of the Minister of Natural Resources.

DISPUTES

PROVIDED that where any uncertainty or dispute arises respecting the position of any boundary, well or structure, the lessee if so required by the lessor shall file a cadastral survey showing the boundary well or structure in respect of which the uncertainty or dispute has arisen and such survey shall be performed by an Ontario Land Surveyor in accordance with instructions issued by the Minister of Natural Resources.

Where the word "Lessee" occurs in this indenture, it shall include the heirs, executors, administrators, successors and assigns of the lessee.

IN WITNESS WHEREOF the said parties have hereunto set their hands and seals:

SIGNED, SEALED AND DELIVERED
in the presence of

.....
Minister of Natural Resources

Dated at Toronto, this day of, 19....

Schedule

The attached Lease No. is issued for the following block and tracts in accordance with the grid system, as shown on the plan filed in the Archives of Ontario at Toronto as No. 1495.

Block

Partial Block with Associated Tracts.

O. Reg. 1111/80, s. 14, *part.*

REGULATION 635

under the Mining Act

FORMS

PROSPECTOR'S LICENCES

1.—(1) An application for a prospector's licence,

- (a) by a person other than a company, shall be in Form 1; and
- (b) by a company, shall be in Form 2. R.R.O. 1970, Reg. 605, s. 1 (1); O. Reg. 583/76, s. 2 (1).

(2) A prospector's licence,

- (a) for a person other than a company, shall be in Form 3; and
- (b) for a company, shall be in Form 4. R.R.O. 1970, Reg. 605, s. 1 (2); O. Reg. 583/76, s. 2 (2).

2.—(1) An application for renewal of a prospector's licence in Form 3 or 4 shall be in Form 5 or 6, respectively. R.R.O. 1970, Reg. 605, s. 2 (1); O. Reg. 583/76, s. 3 (1).

(2) A renewal of a prospector's licence under subsection 22 (1) of the Act,

- (a) for a person other than a company, shall be in Form 7; and
- (b) for a company, shall be in Form 8. R.R.O. 1970, Reg. 605, s. 2 (2); O. Reg. 583/76, s. 3 (2).

3. A renewal of the licence of a person who has held a miner's or prospector's licence continuously for twenty-five years or more under subsection 22 (8) of the Act shall be in Form 9. R.R.O. 1970, Reg. 605, s. 3; O. Reg. 583/76, s. 4.

APPLICATION TO RECORD A MINING CLAIM

4. An application under subsection 51 (1) of the Act shall be in Form 10. R.R.O. 1970, Reg. 605, s. 4.

DISPUTE OF RECORDED CLAIM

5.—(1) A dispute under subsection 56 (1) of the Act shall be in Form 11.

(2) An affidavit under subsection 56 (1) of the Act shall be in Form 12. R.R.O. 1970, Reg. 605, s. 5.

CERTIFICATE OF RECORD

6. A certificate of record shall be in Form 13. R.R.O. 1970, Reg. 605, s. 6.

TRANSFER OF UNPATENTED MINING CLAIM

7. A transfer of an unpatented mining claim or any interest therein shall be in Form 14. R.R.O. 1970, Reg. 605, s. 7.

AFFIDAVIT OF SUBSCRIBING WITNESS

8. An affidavit under section 71 of the Act shall be in Form 15. R.R.O. 1970, Reg. 605, s. 8.

CERTIFICATE OF INTEREST IN AN UNPATENTED MINING CLAIM

9. A certificate under subsection 75 (2) of the Act shall be in Form 16. R.R.O. 1970, Reg. 605, s. 9.

REPORT OF WORK

10. A report under subsection 76 (3) of the Act shall be in Form 17. R.R.O. 1970, Reg. 605, s. 10.

CERTIFICATE OF PERFORMANCE OF WORK

11. A certificate under subsection 76 (4) of the Act shall be in Form 18. R.R.O. 1970, Reg. 605, s. 11.

NOTICE OF ABANDONMENT

12. A notice under subsection 83 (1) of the Act shall be made in Form 19 in duplicate. R.R.O. 1970, Reg. 605, s. 12.

APPLICATION FOR PATENT OR LEASE

13. An application for a lease shall be in Form 20. R.R.O. 1970, Reg. 605, s. 13.

BORING PERMIT

14.—(1) A boring permit under subsection 112 (1) of the Act shall be in Form 21.

(2) An application under clause 112 (1) (b) of the Act shall be in Form 22.

(3) An affidavit verifying the application referred to in subsection (2) shall be in Form 23.

(4) A transfer of a boring permit under subsection 112 (6) of the Act shall be in Form 24. R.R.O. 1970, Reg. 605, s. 14.

QUARRY PERMITS

- 15.—(1) An application for a quarry permit shall be in Form 25.
- (2) A quarry permit shall be in Form 26.
- (3) A return under section 123 of the Act shall be in Form 27. R.R.O. 1970, Reg. 605, s. 15.

NOTICE OF APPEAL

16. A notice under subsection 133 (3) of the Act shall be in Form 28. R.R.O. 1970, Reg. 605, s. 16.

NOTICE OF LIABILITY

17. A notice of liability to taxation and forfeiture under section 208 of the Act shall be in Form 29. R.R.O. 1970, Reg. 605, s. 17.

CERTIFICATE OF FORFEITURE

18. A certificate of forfeiture under subsection 212 (3) of the Act shall be in Form 30. R.R.O. 1970, Reg. 605, s. 18.

Form 1

Mining Act

APPLICATION FOR PROSPECTOR'S
LICENCE

(Individual)

I,

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

(print family or last name)

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

(print given names in full)

of.....
(street and number, or post office box number)
.....
(city, town, village or township, and province or
.....
state)

apply under the *Mining Act* for a prospector's licence for the licence year beginning April 1, 19... (state year) and in support thereof make the following statements:

1. I am over eighteen years of age.
2. I am not the holder of a prospector's licence.
.....
(signature of applicant)

Dated....., 19....
R.R.O. 1970, Reg. 605, Form 1; O. Reg. 583/76, s. 5 (1), *part*.

Form 2

Mining Act

APPLICATION FOR PROSPECTOR'S
LICENCE
(Company)

Application is made under the *Mining Act* for a prospector's licence for the licence year beginning April 1, 19.... (state year) and the following statements of facts are made in support thereof:

Name of Company.....
Address of Head Office.....
Name and address of President.....
.....
Name and address of Secretary.....
.....
Place of incorporation.....
Capitalization.....
Dated....., 19....

.....
(signature of official and
office held)

This application must be signed by an authorized officer of the corporation.

R.R.O. 1970, Reg. 605, Form 2; O. Reg. 583/76, s. 5 (1), *part*.

Form 3

Mining Act

PROSPECTOR'S LICENCE

Letter and
No.....

(Individual)

Under the *Mining Act* and the regulations and subject to the limitations thereof, this licence is issued to.....
of.....

This licence is not valid unless signed by licensee.

This licence expires with the 31st day of March next following the date hereof.
.....
(place and date of issue)

.....
(signature of licensee) (signature)

R.R.O. 1970, Reg. 605, Form 3; O. Reg. 583/76,
s. 5 (2).

Form 4

Mining Act

PROSPECTOR'S LICENCE

Letter and
No.....
(Company)

Under the *Mining Act* and the regulations and
subject to the limitations thereof, this licence is
issued to.....
of.....

This licence is not valid unless signed by the
president or secretary of the licensee.

This licence expires with the 31st day of March
next following the date hereof.

Toronto,, 19....

.....
(signature)

..... Date.....
(signature of president or
secretary of licensee)

R.R.O. 1970, Reg. 605, Form 4; O. Reg. 583/76,
s. 5 (2).

Form 5

Mining Act

APPLICATION FOR RENEWAL OF
PROSPECTOR'S LICENCE

(Individual)

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

(print family or last name)

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

(print given names in full)

.....
(street and number or post office box number)

.....
(city, town, village or township, and province or

.....
state)

apply for renewal of prospector's licence No.....

.....
(signature of licensee)

R.R.O. 1970, Reg. 605, Form 5; O. Reg. 583/76,
s. 5 (1).

Form 6

Mining Act

APPLICATION FOR RENEWAL OF
PROSPECTOR'S LICENCE
(Company)

Application is made under the *Mining Act* for a
renewal of Prospector's Licence No.....
dated.....

Name of Company.....

Address of Head Office.....

Dated....., 19....

.....
(signature of official and
office held)

This application must be signed by an authorized
officer of the corporation.

R.R.O. 1970, Reg. 605, Form 6; O. Reg. 583/76,
s. 5 (3).

Form 7

Mining Act

RENEWAL OF PROSPECTOR'S LICENCE

Letter and

Number.....

(Individual)

Under the *Mining Act* and the regulations, and
subject to the limitations thereof, this renewal of
prospector's licence No.....dated.....

....., 19.... is issued to.....

.....
This licence is not valid unless signed by licensee.

This renewal expires with the 31st day of March next following the date hereof.

Dated....., 19....

.....
(signature)

.....
(signature of licensee)

R.R.O. 1970, Reg. 605, Form 7; O. Reg. 583/76, s. 5 (1).

Form 8

Mining Act

RENEWAL OF PROSPECTOR'S LICENCE

Letter and

No.....

(Company)

Under the *Mining Act* and the Regulations, and subject to the limitations thereof, this renewal of prospector's licence No.....is issued to.....
.....of.....

This licence is not valid unless signed by president or secretary of licensee.

This renewal expires with the 31st day of March next following the date hereof.

Dated at....., 19....

.....
(signature)

.....
(signature of president or
secretary of licensee)

R.R.O. 1970, Reg. 605, Form 8; O. Reg. 583/76, s. 5 (1).

Form 9

Mining Act

RENEWAL OF PROSPECTOR'S LICENCE
BY MINISTER

Letter and

No.....

Under the *Mining Act* and the regulations, and subject to the limitations thereof, this renewal of prospector's licence No.....dated the.....
....., 19....is issued to.....
of.....

without payment of a fee, by reason of his having held a prospector's licence continuously for twenty-five years or more.

This licence is not valid unless signed by the licensee.

This renewal expires with the 31st day of March next following the date hereof.

.....
(signature of licensee) Minister of Natural
Resources

R.R.O. 1970, Reg. 605, Form 9; O. Reg. 583/76, s. 5 (1).

Page 2

The penalty for making a false statement in this application is \$500 fine or six months imprisonment or both.

I, the undersigned, hereby certify:

1. That I staked out in accordance with the *Mining Act* the mining claim(s) on the lands described and shown in my application and on the sketch or plan on Page 4.
2. That the distances given in my application and sketch or plan are as accurate as they could reasonably be ascertained.
3. That all other statements and particulars herein set forth in the application and shown on the sketch or plan on Page 4 are true and correct.
4. That at the time of staking there was nothing upon the lands to indicate that they were not open to be staked and that I believe they were so open.
5. That the staking is valid and should be recorded.
6. That there are upon the lands staked no buildings, clearing or improvements for farming or other purposes, except as follows and indicated on the sketch or plan on Page 4:

7. Check i OR ii but not both:

- i. ☐ I have affixed the proper tags on the proper posts;
- ii. ☐ I have *not* affixed the proper tags on the proper posts, and I have *not* used common posts.

.....
(date)

.....
(signature of applicant)

SAMPLE GROUP SKETCH

SCALE: 1 inch = 1320 feet
(20 chains)

COMPLETE THE GROUP SKETCH ON PAGE 4 USING THIS SAMPLE AS A GUIDE. WHERE APPLICABLE, THE ITEMS INDICATED BELOW MUST BE SHOWN IN THE SKETCH.

LOCATION OF CLAIMS

(Show lot and concession lines and numbers if township is subdivided)

GOODE TOWNSHIP

DEVELOPMENTS

SUCH AS:

Hydro lines

Highways (and roads)

Railway lines

Pipeline

Summer cottages (or other buildings)

CLAIM INFORMATION

SUCH AS:

Claim line

Group claim number

Tag number if claim is pro-tagged

Post

Common post

Distance

Witness post

Witness distance

Tie-ons to existing claims

TOPOGRAPHIC FEATURES

SUCH AS: Lakes, rivers, creeks, ponds, etc.

GROUP SKETCH OF CLAIMS LISTED ON PAGE 1	SCALE: 1 Inch = 1320 feet (20 chains)
	

Form 11

Mining Act

DISPUTE AGAINST A RECORDED CLAIM

To the Recorder of.....Mining Division:

I,.....
of....., the
(address)

holder of prospector's licence No.....allege that
Mining Claim No....., recorded in the
name of.....
is illegal or invalid in whole or in part because

.....
.....
(state fully how and why claim is illegal
or invalid)

If the disputant or the licensee in whose behalf
he is acting claims to be entitled to be recorded for
or to be entitled to any right or interest in the
lands or mining rights, or any part thereof com-
prised in the disputed claim, give statement of
particulars.....

.....
Address for service.....
(see note)

Dated at.....this....day of....., 19...
.....
(signature)

NOTE: Subsection 56 (3) of the Act reads as follows:

(3) The dispute shall contain or have en-
dorsed upon it an address in Ontario at which
the disputant may be served with any notice
or document relating to the dispute, and any
such notice or document is sufficiently served
upon the disputant if it is left with a grown-
up person at such address or, where no such
person can there be found, if sent by
registered mail addressed to the disputant
at such address.

R.R.O. 1970, Reg. 605, Form 11; O. Reg. 583/76,
s. 5 (4).

Form 12

Mining Act

AFFIDAVIT VERIFYING DISPUTE

County, etc., or Dis- I,.....,
trict of of the.....of.....
in the.....of.....,
make oath and say:

1. I am the holder of prospector's licence No.....
2. I signed the annexed dispute on the....day
of....., 19....
3. I have personal knowledge of the matters men-
tioned in the dispute, and that the statements con-
tained therein are true.

Sworn before me.....
at..... in the
.....of.....
this....day of.....,
19....
(signature of licensee)

Mining Recorder or
Commissioner.
R.R.O. 1970, Reg. 605, Form 12; O. Reg. 583/76,
s. 5 (4).

Form 13

Mining Act

No..... Fee \$1.00

CERTIFICATE OF RECORD

Under the *Mining Act* and the regulations, and
subject to the limitations thereof, this certificate of
record is issued to.....
.....
the holder of prospector's licence No.....in
respect of Mining Claim No..... contain-
ingacres more or less.

Dated at.....this....day of....., 19...
Recorder of...Mining Division
R.R.O. 1970, Reg. 605, Form 13; O. Reg. 583/76,
s. 5 (4).

Form 14

Mining Act

TRANSFER OF UNPATENTED
MINING CLAIM(S)

I,Licence No.....
the recorded holder of.....
(specify interest held)
interest, hereby transfer in consideration of.....
dollars or other valuable consideration paid to me
.....interest in () mining
(specify interest transferred)
claim(s) numbered.....
(claim numbers must be listed)
.....Township(s) or Area(s).....
separately)
to.....
Address.....
the holder of prospector's licence.....
as Transferee.
Dated at....., this....day of....., 19...
.....
(signature of witness) (signature of transferor)

NOTE: If transferee is not a resident of Ontario
show here the name of the person who is a
resident of Ontario upon whom service
may be made.

Name.....
Residence in Ontario.....
Post Office Address.....

R.R.O. 1970, Reg. 605, Form 14; O. Reg. 583/76,
s. 5 (4).

Form 15

Mining Act

AFFIDAVIT OF SUBSCRIBING WITNESS

County, etc., of | I,.....,
| of the.....of.....
| in the.....of.....,
| make oath and say:

1. That I was personally present and did see the
attached instrument signed and executed by.....
....., one of the parties thereto.
2. That the attached instrument was executed at
.....
3. That I know the said party.
4. That I am a subscribing witness to the attached
instrument.

Sworn before me at.....
.....in the.....
of.....this.....
day of....., 19....
(signature)
Mining Recorder
or Commissioner

R.R.O. 1970, Reg. 605, Form 15.

Form 16

Mining Act

CERTIFICATE OF INTEREST

I certify that in a proceeding commenced by
.....
(name)
of.....
(address)
an interest is called in question in Mining Claim
No.....recorded in the office of the Recorder
for the.....Mining Division in the name
of.....
The nature of the proceeding is.....
.....
Dated at.....this.....day of....., 19...

.....
Commissioner or
Recorder of.....
Mining Division
R.R.O. 1970, Reg. 605, Form 16.

Form 17

Mining Act

REPORT OF WORK

A separate form is required for each type of work to be recorded.

To the Recorder of.....Mining Division

I,.....
(name of recorded holder) (prospector's licence)
.....
(post office address)

do hereby report the performance of.....days of.....
(type of work)
not before reported to be applied on the following contiguous claims:

Claim No.	Days	Claim No.	Days	Claim No.	Days
.....
.....
.....
.....
.....
.....

All the work was performed on Mining Claim(s).....
(In the case of geological and/or geophysical survey(s) where more than 18 claims are involved attach a schedule.)

READ CAREFULLY.

THE FOLLOWING INFORMATION IS REQUIRED BY THE MINING RECORDER:

For Manual Work, Stripping or Opening up of Mines, Sinking Shafts or Other Actual Mining Operation—Names and addresses of the men who performed the work and the dates and hours of their employment.

For Diamond and other Core Drilling—Footage, No. and angle of holes and diameter of core. Name and address of owner or operator of drill. Dates when drilling was done. Signed core log and sketch in duplicate.

For Compressed Air or Other Power Driven or Mechanical Equipment—Type of drill or equipment. Names and addresses of men engaged in operating equipment and the dates and hours of their employment.

For Power Stripping—Type of equipment. Name and address of owner or operator. Amount expended. Dates on which work was done. Proof of actual cost must be submitted within 30 days of recording.

With each of the above types of work sketches are required to show the location and extent of the work in relation to the nearest claim post. In the case of diamond or other core drilling the sketch must be submitted in duplicate.

For Geological and Geophysical Survey—The names and addresses of men employed as well as dates. Type of instrument used in the case of geophysical survey. Reports and maps in duplicate must be filed with the Minister within 60 days of recording.

For Land Survey—The name and address of Ontario Land Surveyor.

THE REQUIRED INFORMATION IS AS FOLLOWS: (Attach a list if this space is insufficient)

Date.....
(signature of recorded holder or agent)

Mining Act

CERTIFICATE VERIFYING REPORT OF WORK

I.....
(post office address)

hereby certify:

- 1. That I have a personal and intimate knowledge of the facts set forth in the report of work annexed hereto, having performed the work or witnessed same during and/or after its completion.
- 2. That the annexed report is true.

Dated....., 19.....
(signature)

R.R.O. 1970, Reg. 605, Form 17; O. Reg. 583/76, s. 5 (4).

Form 18
Mining Act

No.....

CERTIFICATE OF PERFORMANCE OF WORK

Under the *Mining Act* and the regulations, and subject to the limitations thereof, this certificate is granted to.....

.....
the holder of prospector's licence No.....
who has duly performed or caused to be performed the prescribed work on Mining Claim No.....
to my satisfaction for.....period(s)
ending the.....day of....., 19.....
Dated at.....this.....day of....., 19.....

Recorder of.....Mining
Division

R.R.O. 1970, Reg. 605, Form 18; O. Reg. 583/76, s. 5 (4).

Form 19

Mining Act

NOTICE OF ABANDONMENT

To the Recorder of.....Mining Division:

I.....
(name)
of.....
(address)

.....
the holder of prospector's licence No..... give
notice that I have abandoned Mining Claim No....
situate in.....
Dated at.....this.....day of....., 19...

.....
(recorded holder)

.....
(witness)

R.R.O. 1970, Reg. 605, Form 19; O. Reg. 583/76, s. 5 (4).

Form 20

Mining Act

APPLICATION FOR LEASE

To the Recorder of.....Mining Division:....

I,.....

(name)

of.....

(address)

.....

the recorded holder of an interest in Mining Claim

No.apply for the issue of a (Mining and Surface Rights or Mining Rights) Lease thereof.

- Accompanying this application is,
- (a) Certificate of Record;
 - (b) Certificate of Performance of Work; and
 - (c)dollars in payment of the rental for the first year.

The names, address and occupations of the recorded holders of the claim are as follows:

Surname	Given Names	Address	Occu- pation	Interest Held
.....
.....
.....
.....
.....
.....
.....
.....
.....

Dated at.....this.....day of....., 19...

.....

(signature of applicant)

Form 21

Mining Act

BORING PERMIT

No..... Fee \$100.00

Under the *Mining Act* and the regulations, and subject to the limitations thereof, this boring permit

is granted to.....

.....

the holder of prospector's licence No.....to prospect for petroleum, natural gas, coal or salt upon the area of land shown on the sketch or plan attached hereto for a period of one year from the date of issue hereof.

Dated at Toronto this.....day of....., 19...

.....

Minister of Natural Resources

R.R.O. 1970, Reg. 605, Form 21; O. Reg. 583/76, s. 5 (4).

Form 22

Mining Act

APPLICATION FOR BORING PERMIT

To the Recorder of.....Mining Division:

I,.....

(name)

of.....

(address)

the holder of prospector's licence No..... attached hereto, apply for a boring permit to prospect for petroleum, natural gas, coal or salt upon the area of land shown on the attached sketch or plan, and described as follows:

.....

.....

containing.....acres more or less.

Address for service of non-resident.....

Service may be made upon.....

whose residence and post office address is.....

.....

Dated at.....this.....day of....., 19...

.....

(signature of applicant)

Form 23

Mining Act

AFFIDAVIT TO ACCOMPANY APPLICATION
FOR BORING PERMIT

County, etc., of I,
of the
of in the
..... of
make oath and say:

- 1. That on the day of 19....., I staked out the area of land described in the application annexed hereto.
- 2. That the distances given in the application and sketch or plan are as accurate as they could reasonably be ascertained and that all other statements and particulars set forth and shown in the application and sketch or plan are true and correct.
- 3. That at the time of staking there was nothing upon the lands to indicate they were not open to be staked out for the purposes of the application and I verily believe that they were so open.
- 4. That there are upon the lands so staked no buildings, clearing or improvements for farming or other purposes, except as follows:

.....
and indicated on the sketch annexed hereto.

Sworn before me at
in the of
this day of (signature)
19.....
Mining Recorder or Commissioner

R.R.O. 1970, Reg. 605, Form 23.

Form 24

Mining Act

TRANSFER OF A BORING PERMIT

I, the holder
of Boring Permit No..... as transferor in
consideration of dollars
or other valuable consideration paid to me transfer

all my rights in Boring Permit No..... or the
land included therein to.....
the holder of prospector's licence No.....
as transferee.

Dated at this day of 19...
.....
(signature of transferor)
.....
(witness)

R.R.O. 1970, Reg. 605, Form 24; O. Reg. 583/76,
s. 5 (4).

Form 25

Mining Act

APPLICATION FOR QUARRY PERMIT

Name.....
Telephone.....
Address.....
Location of Pit.....
(township or area)
Nature of Material.....
Amount Required..... Cubic Yards;..... Tons
Approximate Area of Pit..... Acres
Removal Operations Will Commence Not Later than
..... 19.....
Purpose or Destination of Material.....
Description of Equipment.....
.....
Date....., 19.... Signature.....

NOTE: If pit area is situated within limits of existing
Ministry of Transportation and Communica-
tions gravel reservation, written consent of that
Ministry must accompany this application.

SHOW SKETCH OF PIT AREA HERE



Show pit boundaries with distances in feet and all topography such as lakes, rivers, roads, transmission lines, buildings, etc.

R.R.O. 1970, Reg. 605, Form 25.

Form 26

Mining Act

QUARRY PERMIT

No. Fee \$.....

Under the *Mining Act* and the regulations, and subject to the limitations thereof, this quarry permit is issued to.....
(name)

.....
(address)

to take or remove from the lands described as follows:

.....

not more than.....of
(amount) (yards or tons)

.....
(specify nature of material)

upon the condition that the permittee on or before the 10th day of each month shall pay to the Treasurer of Ontario a sum offor every cubic

yard or ton of.....removed therefrom
(state material)

This permit expires with the 31st day of March,
19....

Dated at.....this....day of....., 19...
.....
(signature)

R.R.O. 1970, Reg. 605, Form 26.

Form 27

Mining Act

Return of.....taken or
(state nature of material)

removed under Quarry Permit No.....

Date of taking or removing	Quantity in Cubic Yards or Tons	Royalty Rate	Amount of Royalty	Destination

I certify that this return is a complete record of all
.....taken or removed during
(state nature of material)
....., 19....
(month)

Dated the.....day of....., 19...
.....
(permittee)

R.R.O. 1970, Reg. 605, Form 27.

Form 28

Mining Act

NOTICE OF APPEAL

IN THE MATTER OF the *Mining Act* before the Mining and Lands Commissioner:

IN THE MATTER OF Mining Claim No.....

Take notice that I,.....,
of.....,
the holder of Prospector's Licence No.....,

hereby appeal to the Mining and Lands Commissioner
from the decision of, or the act or thing, whether
ministerial or judicial, done or refused or neglected

to be done by the Recorder of the.....

Mining Division on the....day of....., 19..,

in or by which he.....

.....
(state briefly what is appealed against)

The reasons for appeal are.....

.....
.....
.....

Address for service.....
(see note)

.....
.....
.....

Dated at....., this....day of....., 19..
.....
(signature)

To the Recorder of..... Mining Division
and to.....
.....
(names of parties adversely interested)

NOTE: Subsection 133 (4) of the Act reads as follows:

(4) The notice of appeal shall contain or have endorsed upon it an address in Ontario at which the appellant may be served with any notice or document relating to the appeal, and any such notice or document is sufficiently served upon the appellant if it is left with a grown-up person at such address or, where no such person can there be found, if sent by registered mail addressed to the appellant at such address.

R.R.O. 1970, Reg. 605, Form 28; O. Reg. 583/76, s. 5 (4).

Form 29

Mining Act

NOTICE OF LIABILITY TO
TAXATION AND FORFEITURE

To.....
(the proper land registrar)

at

Under section 208 of the *Mining Act* I hereby give notice of liability to taxation in respect of the lands or mining rights described in Schedule A hereto, and that arrears of tax for two years or more may result in forfeiture to the Crown of the lands or mining rights so described.

Dated at Toronto, this....day of....., 19..

.....
Deputy Minister of Natural
Resources

SCHEDULE A

1.
2.

R.R.O. 1970, Reg. 605, Form 29.

Form 30

Mining Act

CERTIFICATE OF FORFEITURE

This is to certify that under subsection 212 (3) of the *Mining Act*, and subject to the limitations thereof, the lands or mining rights described in the Schedule appended hereto, and every interest therein, are declared forfeited to and vested in the Crown in right of Ontario.

Saving, and excepting and reserving from forfeiture any part of the lands or mining rights occupied by the right of way of any railroad, or transmission line, or by a highway or road.

In witness whereof I have hereunto set my
hand this....day of....., 19....

Witness:
.....
Minister of Natural
Resources

R.R.O. 1970, Reg. 605, Form 30.

REGULATION 636

under the Mining Act

MINING DIVISIONS

1. Ontario is divided into mining divisions as follows:

1. Eastern Ontario Mining Division as described in Schedule 1.
2. Kenora Mining Division as described in Schedule 2.
3. Larder Lake Mining Division as described in Schedule 3.
4. Patricia Mining Division as described in Schedule 4.
5. Porcupine Mining Division as described in Schedule 5.
6. Red Lake Mining Division as described in Schedule 6.
7. Sault Ste. Marie Mining Division as described in Schedule 7.
8. Sudbury Mining Division as described in Schedule 8.
9. Thunder Bay Mining Division as described in Schedule 9. O. Reg. 775/73, s. 1.

2. In the schedules, "township", when used with reference to a township in a territorial district, means geographic township. O. Reg. 775/73, s. 2.

Schedule 1

EASTERN ONTARIO MINING DIVISION

Beginning at the intersection of the Interprovincial Boundary between the Province of Ontario and the Province of Quebec with the northerly production of the easterly boundary of the Township of Cameron; thence southerly along that production and the easterly boundary of the last-mentioned township to the southeasterly corner thereof; thence westerly along the northerly limit of Algonquin Provincial Park to the southeasterly corner of the Township of Chisholm; thence westerly along the southerly boundary of the townships of Chisholm, South Himsworth, Gurd, Pringle and East Mills to the southwesterly corner of the last-mentioned township; thence northerly along the westerly boundary of the townships of East Mills and Hardy to the high-water mark along the southerly bank of the Memesagamessing River;

thence in a northwesterly direction following that high-water mark to the confluence with the high-water mark along the southerly bank of the French River; thence in a southwesterly direction along that high-water mark to the westerly limit of the right-of-way of the Canadian National Railway; thence in a southeasterly direction following that railway limit to Key Junction; thence southerly along the westerly limit of the right-of-way of an abandoned railway right-of-way to Key Harbour; thence southwesterly to the northerly extremity of Champagne Island; thence southwesterly to a point distant 40 miles measured south astronomically from the southeasterly corner of the Township of Humboldt in the Territorial District of Manitoulin; thence west astronomically to the International Boundary between Canada and the United States of America; thence southerly and easterly following that boundary through Lake Huron, St. Clair River, Lake St. Clair, Detroit River, Lake Erie, Niagara River, Lake Ontario and St. Lawrence River to the intersection with the Interprovincial Boundary between the Province of Ontario and the Province of Quebec; thence northwesterly following that Interprovincial Boundary to the place of beginning. O. Reg. 775/73, Sched. 1.

Schedule 2

KENORA MINING DIVISION

Beginning at the northeasterly corner of the Township of Laval in the Territorial District of Kenora; thence southerly along the easterly boundary of that township to the northerly boundary of the Township of Hartman; thence easterly along the northerly boundary of that township to the northeasterly corner thereof; thence southerly along the easterly boundary of that township to the intersection with the line drawn west astronomically from the 69 Mile Post on the 5th meridian line as surveyed by A. Niven, Ontario Land Surveyor, in 1897; thence east astronomically to the 69 Mile Post; thence northerly along that 5th meridian to the base line surveyed by Phillips and Benner, Ontario Land Surveyors, in 1932; thence easterly along that base line to the intersection with the boundary between the Territorial District of Kenora and the Territorial District of Thunder Bay; thence southerly along that boundary to the southeasterly corner of the Township of Corman; thence westerly along the southerly boundary of the townships of Corman, McNeven, Cathcart and Grummett; thence west astronomically to the 5th meridian line as surveyed by A. Niven, Ontario Land Surveyor, in 1897; thence southerly along that meridian line to the intersection

with the 3rd base line as surveyed by O.L.S. Gillon in 1928; thence easterly along that base line to the intersection with the northerly production of the easterly boundary of the Township of Bennett; thence southerly along that production and the easterly boundary of that township and the southerly production of that easterly boundary to the southerly limit of the right of way of that part of the King's Highway known as No. 11; thence westerly along that right of way to the high-water mark along the southerly bank of the Seine River; thence westerly along that high-water mark to the easterly boundary of Indian Reserve 23A; thence southerly along that boundary to the southeasterly corner of that Indian Reserve; thence westerly along the southerly boundary of that Indian Reserve to the high-water mark along the southerly bank of the Seine River; thence westerly along that high-water mark to longitude $92^{\circ} 30'$; thence southerly along that longitude to the International Boundary between Canada and the United States of America; thence in a general northwesterly, westerly, northerly and northwesterly direction following that International Boundary to its intersection with the Interprovincial Boundary between the Province of Manitoba and the Province of Ontario; thence northerly along that boundary to latitude $50^{\circ} 45'$; thence east along latitude $50^{\circ} 45'$ to longitude $94^{\circ} 30'$; thence south along that longitude to the 7th base line surveyed by Phillips and Benner, Ontario Land Surveyors, in 1927; thence easterly along that base line to its intersection with the 6th meridian line, near the west end of Lac Seul, surveyed by O.L.S. Patten in 1919; thence southerly along the 6th meridian to the southwesterly corner of the Township of Rowell in the Territorial District of Kenora; thence easterly along the southerly boundary of that township to the northwesterly corner of the Township of Stokes; thence southerly along the westerly boundary of that township to the southwesterly corner thereof; thence easterly along the southerly boundary of that township and the northerly boundaries of the townships of Brownridge and Laval to the northwesterly corner of the last-mentioned township being the place of beginning. O. Reg. 775/73, Sched. 2.

Schedule 3

LARDER LAKE MINING DIVISION

Beginning at the southwesterly corner of the Township of Scotia in the Territorial District of Sudbury; thence northerly along the westerly boundary of the townships of Scotia, Marshay, Beulah, Moffat, Garibaldi, Miramichi, Connaught, Cabot, Burrows, Nursery, Moher and Beemer to the northwesterly corner of the last-mentioned township; thence easterly along the northerly boundary of the townships of Beemer, English and Zavitz to the northeasterly corner of the last-mentioned township; thence northerly along the westerly boundary of the Township of Cleaver to the northwesterly corner thereof; thence

easterly along the northerly boundary of the townships of Cleaver, McNeil and Robertson to the northeasterly corner of the last-mentioned township; thence northerly along the westerly boundary of the townships of Nordica and McEvay to the northwesterly corner of the last-mentioned township; thence westerly along the southerly boundary of the Township of Egan to the southwesterly corner thereof; thence northerly along the westerly boundary of the townships of Egan, Currie, Taylor, Walker, Teefy, Edwards, Mortimer, Stimson, Dempsay, Heighington, Sangster and McQuibban to the northwesterly corner of the last-mentioned township; thence easterly along the northerly boundary of the townships of McQuibban, Tweed, Blakelock, Hoblitzell, Noseworthy and Bradette to the Interprovincial Boundary between the Province of Ontario and the Province of Quebec; thence southerly along that boundary to the southeasterly corner of the Township of Casey; thence westerly along the southerly boundary of the townships of Casey, Harley, Kerns, Henwood, Cane, Barber, Willet and Roadhouse to the southwesterly corner of the last-mentioned township; thence southerly along the westerly boundary of the Township of Wallis to the southwesterly corner thereof; thence westerly along the southerly boundary of the townships of Corkhill and Charters to the southwesterly corner of the last-mentioned township; thence southerly along the easterly boundary of the Township of Ray to the southeasterly corner thereof; thence easterly along the northerly boundary of the Township of Leckie to the northeasterly corner thereof; thence southerly along the easterly boundary of the Township of Leckie to the southwesterly corner thereof; thence westerly along the southerly boundary of the townships of Leckie and Dufferin to the northeasterly corner of the Township of Stull; thence southerly along the easterly boundary of the townships of Stull, Valin and Cotton to the southeasterly corner of the last-mentioned township; thence westerly along the southerly boundary of the townships of Cotton, McNamara, Frechette and Scotia to the place of beginning. O. Reg. 775/73, Sched. 3.

Schedule 4

PATRICIA MINING DIVISION

Beginning at the northeasterly corner of the Township of Laval in the Territorial District of Kenora; thence southerly along the easterly boundary of that township to the northerly boundary of the Township of Hartman; thence easterly along the northerly boundary of that township to the northeasterly corner thereof; thence southerly along the easterly boundary of that township to the intersection with a line drawn west astronomically from the 69 Mile Post on the 5th meridian line as surveyed by A. Niven, Ontario Land Surveyor, in 1897; thence east astronomically to the said 69 Mile Post; thence northerly along that 5th meridian to the base line surveyed by

Phillips and Benner, Ontario Land Surveyors, in 1932; thence easterly along that base line to the intersection with the boundary between the Territorial District of Kenora and the Territorial District of Thunder Bay; thence southerly along that boundary to the southwesterly corner of G.T.P. Block No. 6; thence easterly along the southerly boundary of that block to the southeasterly corner thereof; thence northerly along the easterly boundary of that block and the northerly production of the easterly boundary of that Block No. 6 to the base line run by Phillips and Benner, Ontario Land Surveyors, in 1931; thence northeasterly in a straight line to the intersection of latitude 50° 00' with the meridian line run by K. G. Ross, Ontario Land Surveyor, in 1921; thence easterly along latitude 50° 00' to longitude 90° 00'; thence northerly along longitude 90° 00' to latitude 51° 00'; thence easterly along latitude 51° 00' to longitude 89° 00'; thence northerly along longitude 89° 00' to the southwesterly boundary of Wunnumin Lake Indian Reserve 86; thence southeasterly along that southwesterly boundary to the most southerly corner thereof; thence northeasterly along the southeasterly boundary of that Indian Reserve to the most easterly corner thereof; thence northwesterly along the northeasterly boundary of that Indian Reserve to longitude 89° 00'; thence northerly along longitude 89° 00' to latitude 54° 00'; thence northwesterly to the point in longitude 91° 00', said point being in a line drawn from longitude 89° 00', latitude 54° 00' to longitude 91° 30', latitude 55° 00'; thence southerly along longitude 91° 00' to the intersection with the 15th base line surveyed by Marshall, Macklin, Monaghan, Ontario Land Surveyors, in 1957; thence westerly along that base line to the 18 Mile Post; thence south astronomically to the point in a line drawn west astronomically from the 185 Mile Post on the 3rd meridian line surveyed by Marshall, Macklin, Monaghan, Ontario Land Surveyors, in 1957; thence east astronomically to longitude 91° 00'; thence southerly along the longitude 91° 00' to the intersection with the 10th base line surveyed by Phillips and Benner, Ontario Land Surveyors, in 1929; thence westerly along that base line to the intersection with the 4th meridian surveyed by Speight and Van Nostrand, Ontario Land Surveyors, in 1929; thence southerly along the 4th meridian to the intersection with the 7th base line surveyed by Phillips and Benner, Ontario Land Surveyors, in 1927; thence westerly along the 7th base line to the intersection with the 6th meridian surveyed by O.L.S. Patten, in 1919; thence southerly along the 6th meridian to the southwesterly corner of the Township of Rowell; thence easterly along the southerly boundary of that township to the northwesterly corner of the Township of Stokes; thence southerly along the westerly boundary of that township to the southwesterly corner thereof; thence easterly along the southerly boundary of that township and the northerly boundaries of the townships of Brownridge and Laval to the place of beginning. O. Reg. 775/73, Sched. 4.

Schedule 5

PORCUPINE MINING DIVISION

Beginning at the southwesterly corner of the Township of Drew; thence easterly along the southerly boundary of the townships of Drew and Cholette in the Territorial District of Algoma to the northwesterly corner of the Township of Bayfield; thence southerly along the westerly boundary of the last-mentioned township to the southwesterly corner thereof; thence easterly along the southerly limit of the last-mentioned township to the northwesterly corner of the Township of Gourlay; thence southerly along the westerly boundary of the last-mentioned township to the southwesterly corner thereof; thence easterly along the southerly boundary of the townships of Gourlay, Breckenridge, Lizar, Ermine, Irving and Marjorie to the westerly boundary of the Township of Hook; thence southerly along the westerly boundary of the last-mentioned township to the southwesterly corner thereof; thence easterly along the southerly boundary of the townships of Hook and Hayward to the north-easterly corner of the Township of Conking; thence southerly along the easterly boundary of the last-mentioned township to the southeasterly corner thereof; thence westerly along the southerly boundary of the Township of Conking to the intersection with the northwesterly boundary of Missinaibi Provincial Park; thence southwesterly along that boundary to the northwesterly corner of that Provincial Park; thence southwesterly in a straight line to the northwesterly corner of the Township of Brackin; thence southerly along the westerly boundary of the townships of Brackin and Lang to the northeasterly corner of the Township of Bader; thence westerly along the northerly boundary of the last-mentioned township to the northwesterly corner thereof; thence southerly along the westerly boundary of the townships of Bader, Hornell and D'Avaugour, to the southwesterly corner of the last-mentioned township; thence easterly along the southerly boundary of the last-mentioned township to the northwesterly corner of the Township of Cosens; thence southerly along the westerly boundary of the townships of Cosens, Topham, Windego, Beilhartz, Engstrom, Hammond, Moen and Schembri, to the southwesterly corner of the last-mentioned township; thence easterly along the southerly boundary of the townships of Schembri, Scriven, Sherratt, Carton, Carruthers, Cassidy, Deans, Drea, Duksza and Eaton to the northwesterly corner of the Township of Guindon; thence southerly along the westerly boundary of the townships of Guindon and McKeough to the southwesterly corner of the last-mentioned township; thence easterly along the southerly boundary of the townships of McKeough, Fultin, Gladwin, Ivy, Earl, Specht, Breadner, Battersby, Dublin, Onaping to the southeasterly corner of the last-mentioned township; thence northerly along the easterly boundary of the townships of Onaping, Shelley, Blewett, Hennessy, Garvey, Londonderry, Brunswick, Togo, Mattagami, Emerald, Gouin and Hassard

to the northeasterly corner of the last-mentioned township; thence easterly along the northerly boundary of the townships of Beemer, English and Zavitz to the northeasterly corner of the last-mentioned township; thence northerly along the westerly limit of the township of Cleaver to the northwesterly corner thereof; thence easterly along the northerly boundary of the townships of Cleaver, McNeil and Robertson to the northeasterly corner of the last-mentioned township; thence northerly along the easterly boundary of the townships of Michie and Timmins to the northeasterly corner of the last-mentioned township; thence westerly along the northerly boundary of the Township of Timmins to the southeasterly corner of the Township of Sheraton; thence northerly along the easterly boundary of the townships of Sheraton, Bond, Stock, Clergue, Calvert, Aurora, Pyne, Fox, Kennedy, Laughton, Potter and Swartman to the northeasterly corner of the last-mentioned township; thence easterly along the northerly boundary of the townships of McQuibban, Tweed, Blakelock, Hoblitzell, Noseworthy and Bradette to the Interprovincial Boundary between the Province of Ontario and the Province of Quebec; thence northerly along that boundary to the high-water mark of James Bay; thence northwesterly along the high-water mark of James Bay and Hudson Bay to the Interprovincial Boundary between the Province of Ontario and the Province of Manitoba; thence in a southwesterly direction following that boundary to the northwesterly production of a line drawn from longitude $89^{\circ} 00'$ latitude $54^{\circ} 00'$ to longitude $91^{\circ} 30'$ latitude $55^{\circ} 00'$; thence southeasterly along that production and that line to longitude $89^{\circ} 00'$ latitude $54^{\circ} 00'$; thence easterly along latitude $54^{\circ} 00'$ to the northerly production of the westerly boundary of the Township of Bicknell; thence southerly along that production to the northwesterly corner of the last-mentioned township; thence easterly along the northerly boundary of the last-mentioned township to the northeasterly corner thereof; thence southerly along the easterly boundary of the townships of Bicknell, Boyce and Clavet to the northerly boundary of the Township of Downer; thence easterly along the northerly boundary of the last-mentioned township to the northeasterly corner thereof; thence southerly along the easterly boundary of the townships of Downer, Frances and Flanders to the southeasterly corner of the last-mentioned township; thence westerly along the southerly boundary of the last-mentioned township to the northwesterly corner of the Township of Foch; thence southerly along the westerly boundary of the townships of Foch and Drew to the place of beginning. O. Reg. 775/73, Sched. 5.

Schedule 6

RED LAKE MINING DIVISION

Beginning at the intersection of the Interprovincial Boundary between the Province of Ontario and the Province of Manitoba with latitude $50^{\circ} 45'$;

thence easterly along that latitude to the meridian on longitude $94^{\circ} 30'$; thence southerly along that longitude to the intersection with the 7th base line surveyed by Phillips and Benner, Ontario Land Surveyors, in 1927 and 1928; thence easterly along that base line to the intersection with the 4th meridian surveyed by Speight and Van Nostrand, Ontario Land Surveyors, in 1929; thence northerly along that meridian to the 10th base line surveyed by Phillips and Benner, Ontario Land Surveyors, in 1929; thence easterly along that base line to the intersection with longitude $91^{\circ} 00'$; thence northerly along longitude $91^{\circ} 00'$ to a point in a line drawn west astronomically from the 185 Mile Post on the 3rd meridian line surveyed by Marshall, Macklin and Monaghan, Ontario Land Surveyors, in 1957; thence west astronomically to a point in a line drawn south astronomically from the 18 Mile Post on the 15th base line surveyed by Marshall, Macklin and Monaghan, Ontario Land Surveyors, in 1957; thence north astronomically to the said 18 Mile Post; thence easterly along said 15th base line to longitude $91^{\circ} 00'$; thence northerly along longitude $91^{\circ} 00'$ to a point in a line drawn northwesterly from longitude $89^{\circ} 00'$ latitude $54^{\circ} 00'$ to longitude $91^{\circ} 30'$ latitude $55^{\circ} 00'$; thence northwesterly along that line and its production northwesterly to the intersection with the Interprovincial Boundary between the Province of Ontario and the Province of Manitoba; thence southwesterly and southerly along that boundary to the place of beginning. O. Reg. 775/73, Sched. 6.

Schedule 7

SAULT STE. MARIE MINING DIVISION

Beginning at the northwesterly corner of the Township of Mosambik in the Territorial District of Algoma; thence westerly along the northerly boundary of the townships of Nameigos and Strickland to the southeasterly corner of the Township of Hambleton; thence northerly along the easterly boundary of the Township of Hambleton to the north-easterly corner thereof; thence westerly along the northerly boundary of the Township of Hambleton to the southeasterly corner of the Township of Matthews; thence northerly along the easterly boundary of the Township of Matthews to the northeasterly corner thereof; thence westerly along the northerly boundary of the townships of Matthews and Welsh to the southwesterly corner of the Township of Drew; thence northerly along the westerly boundary of the said Township of Drew to the northeasterly corner of the Township of Spooner; thence westerly along the northerly boundary of the said Township of Spooner to the northwesterly corner thereof; thence southerly along the westerly boundary of the Township of Spooner to the southwesterly corner thereof; thence southerly in a straight line to the northeasterly corner of the Township of McGill; thence westerly along the northerly boundary of the Township of McGill to the northwesterly corner thereof; thence southerly along the westerly boundary of the Township of McGill to the southwesterly corner there-

of; thence westerly along the westerly production of the southerly boundary of the Township of McGill to the intersection with the northerly production of the westerly boundary of the Township of Laberge; thence southerly along the said northerly production to the northwesterly corner of the Township of Laberge; thence southerly along the westerly boundary of the Township of Laberge to the northerly limit of the right of way of the Canadian Pacific Limited; thence westerly along the said northerly limit to the intersection with the easterly boundary of the Township of Lecours; thence southerly along the said easterly boundary and its southerly production to the intersection with the easterly production of the southerly boundary of the Township of Pic; thence westerly along the said easterly production and the southerly boundary of the said Township of Pic to the intersection with the boundary of the Pukaskwa National Park; thence north 00° 38' 10" east along the said park 780.468 metres; thence north 86° 31' 40" west along the said park 2323.93 metres; thence north 02° 25' 50" east along the said park 1014.761 metres; thence south 50° 26' 20" west along the said park 129.174 metres; thence south 56° 08' 20" west along the said park 266.282 metres; thence south 18° 25' 00" west along the said park 486.571 metres; thence south 26° 00' 10" west along the said park 200.863 metres; thence south 47° 18' 20" west along the said park 306.376 metres; thence north 71° 56' 30" west along the said park 183.596 metres; thence south 70° 34' 40" west along the said park 329.245 metres, more or less, to the water's edge of Lake Superior; thence south 68° west 9.656 kilometres; thence south 22° east 25.750 kilometres; thence south 30° west 82.077 kilometres, more or less, to the International Boundary between Canada and the United States of America; thence in a southeasterly direction following the said boundary to an angle in the said boundary between Cockburn Island and Drummond Island in the North Channel of Lake Huron; thence easterly along the boundary between the Territorial District of Algoma and the Territorial District of Manitoulin and the territorial districts of Sudbury and Manitoulin to the intersection with the southerly production of the easterly boundary of the Township of Shedden; thence northerly along that production and along the easterly boundary of the townships of Shedden, Deagle, Gaiashk, Lehman, Poncet, Plourde, Lefebvre, Fontaine, and Assef, to the northeasterly corner of the last mentioned township; thence westerly along the northerly boundary of the last mentioned township to the southeasterly corner of the Township of Ethel; thence northerly along the easterly boundary of that township to the northeasterly corner thereof; thence westerly along the northerly boundary of the townships of Ethel, Comox, and Parrott to the northwesterly corner of the last mentioned township; thence northerly along the easterly boundary of the townships of Leluk, and Grossman to the northeasterly corner of the last mentioned township; thence westerly along the northerly boundary of the townships of Grossman, Gisborn, Gilbertson, Gaunt, Foulds, Ferrier, Ewen, Butcher, Bracci, and Wlasy to the northwesterly corner of the last mentioned township; thence northerly along the easterly boundary of the townships of Running, McParland, Hallett, Emiry, Behmann, Wawia, Shawkence and Recollet to the northeasterly

corner of the last mentioned township; thence westerly along the northerly boundary of the township of Recollet to the southwesterly corner of the Township of D'Avaugour; thence northerly along the westerly boundary of the townships of D'Avaugour, Hornell and Bader to the northwesterly corner of the last mentioned township; thence easterly along the northerly boundary of the Township of Bader to the northeasterly corner thereof; thence northerly along the westerly boundary of the townships of Lang and Brackin to the northwesterly corner of the last mentioned township; thence northeasterly in a straight line to a point in the westerly boundary of the Township of Baltic, said point being the northwesterly corner of Missinaibi Lake Provincial Park; thence continuing northeasterly along the northwesterly boundary of Missinaibi Lake Provincial Park to the southerly boundary of the Township of Conking; thence easterly along that boundary to the southeasterly corner of the Township of Conking; thence northerly along the easterly boundary of that township of the northeasterly corner thereof; thence westerly along the northerly boundary of the townships of Conking and Nebotik to the northwesterly corner of the last mentioned township; thence northerly along the easterly boundary of the Township of Mildred to the northeasterly corner thereof; thence westerly along the northerly boundary of the townships of Mildred, Martin, Carney and Mosambik to the place of beginning. O. Reg. 335/80, s. 1.

Schedule 8

SUDBURY MINING DIVISION

Beginning at the northwesterly corner of the Township of Durban in the Territorial District of Sudbury; thence easterly along the northerly boundary of the townships of Durban, Jasper, Alton, La Fleche, Athlone, Muldrew, Fairbairn, Dunbar, Sweeny, Beaumont and Beresford to the northeasterly corner of the last mentioned township; thence northerly along the westerly boundary of the townships of Howey, Haentschel and McLeod to the northwesterly corner of the last mentioned township; thence easterly along the northerly boundary of the townships of McLeod and Ellis to the southwesterly corner of the Township of Corley; thence northerly along the westerly boundary of the Township of Corley to the northwesterly corner thereof; thence westerly along the southerly boundary of the Township of Donovan to the southwesterly corner thereof; thence northerly along the westerly boundary of the Township of Donovan to the northwesterly corner thereof; thence easterly along the northerly boundary of the townships of Donovan and Brewster to the southwesterly corner of the Township of Wallis; thence northerly along the westerly boundary of the Township of Wallis to the northwesterly corner thereof; thence easterly along the northerly boundary of the townships of Wallis, Banks, Speight, Auld, Lundy, Hudson, Dymond and Harris to the Interprovincial Boundary between the Province of Ontario and the Province of Quebec; thence in a southeasterly direction following that boundary to the inter-

section with the northerly production of the easterly boundary of the Township of Cameron; thence southerly along that production and the easterly boundary of the last-mentioned township to the southeasterly corner thereof; thence westerly along the northerly limit of Algonquin Provincial Park to the southeasterly corner of the Township of Chisholm; thence westerly along the southerly boundary of the townships of Chisholm, South Himsworth, Gurd, Pringle and East Mills to the southwesterly corner of the last-mentioned township; thence northerly along the westerly boundary of the townships of East Mills and Hardy to the high-water mark along the southerly bank of the Memesagamesing River; thence in a northwesterly direction following that high-water mark to the confluence with the high-water mark along the southerly bank of the French River; thence in a southwesterly direction along that high-water mark to the westerly limit of the right-of-way of the Canadian National Railway; thence in a southeasterly direction following that railway limit to Key Junction; thence southerly along the westerly limit of the right-of-way of an abandoned railway right-of-way to Key Harbour; thence southwesterly to the most northerly extremity of Champagne Island; thence southwesterly to the point distant 40 miles measured south astronomically from the southeasterly corner of the Township of Humboldt in the Territorial District of Manitoulin; thence west astronomically to the International Boundary between Canada and the United States of America; thence northwesterly and northeasterly following that boundary to an angle therein between Drummond Island and Cockburn Island; thence easterly along the boundary between the Territorial District of Algoma and the Territorial District of Manitoulin and the boundary between the Territorial District of Sudbury and the Territorial District of Manitoulin to the intersection with the southerly production of the easterly boundary of the Township of Shedden; thence northerly along that production and along the easterly boundary of the townships of Shedden, Deagle, Gaishk, Lehman, Poncet, Plourde, Lefebvre, Fontaine and Assel to the northeasterly corner of the last-mentioned township; thence westerly along the southerly boundary of the Township of Durban to the southwesterly corner thereof; thence northerly along the westerly boundary of said township to the place of beginning. O. Reg. 775/73, Sched. 8.

Schedule 9

THUNDER BAY MINING DIVISION

Beginning at the southeasterly corner of the Township of Corman, in the Territorial District of Kenora; thence northerly along the easterly boundary of the townships of Corman and Chartrand and the boundary between the territorial districts of Kenora and Thunder Bay to the southwesterly corner of Grand Trunk Pacific Block No. 6; thence easterly along the

southerly boundary of the said block to the southeasterly corner thereof; thence northerly along the easterly boundary of the said block and its northerly production to the base line run by Phillips and Benner, Ontario Land Surveyors in 1931; thence northeasterly in a straight line to the intersection of latitude 50° 00' with the meridian line run by K. G. Ross, Ontario Land Surveyor in 1921; thence easterly along latitude 50° 00' to the intersection with longitude 90° 00'; thence northerly along longitude 90° 00' to the intersection with latitude 51° 00'; thence easterly along latitude 51° 00' to the intersection with longitude 89° 00'; thence northerly along longitude 89° 00' to the southwesterly boundary of Wunnumin Lake Indian Reserve 86; thence southeasterly along the said boundary to the most southerly corner thereof; thence northeasterly along the southeasterly boundary of the said reserve to the most easterly corner thereof; thence northwesterly along the northeasterly boundary of that reserve to the intersection with longitude 89° 00'; thence northerly along longitude 89° 00' to the intersection with latitude 54° 00'; thence easterly along latitude 54° 00' to the intersection with the northerly production of the westerly boundary of the Township of Bicknell in the Territorial District of Cochrane; thence southerly along the said production to the northwesterly corner of the Township of Bicknell; thence easterly along the northerly boundary of the last mentioned township to the northeasterly corner thereof; thence southerly along the easterly boundary of the townships of Bicknell, Boyce, and Clavet to the northerly boundary of the Township of Downer; thence easterly along the northerly boundary of the last mentioned township to the northeasterly corner thereof; thence southerly along the easterly boundary of the townships of Downer, Frances, and Flanders to the southeasterly corner of the last mentioned township; thence westerly along the southerly boundary of the last mentioned township to the southwesterly corner thereof; thence southerly along the westerly boundary of the townships of Foch and Drew to the northeasterly corner of the Township of Spooner; thence westerly along the northerly boundary of the said Township of Spooner to the northwesterly corner thereof; thence southerly along the westerly boundary of the Township of Spooner to the southwesterly corner thereof; thence southerly in a straight line to the northeasterly corner of the Township of McGill; thence westerly along the northerly boundary of the Township of McGill to the northwesterly corner thereof; thence southerly along the westerly boundary of the Township of McGill to the southwesterly corner thereof; thence westerly along the westerly production of the southerly boundary of the Township of McGill to the intersection with the northerly production of the westerly boundary of the Township of Laberge; thence southerly along the said northerly production to the northwesterly corner of the Township of Laberge; thence southerly along the westerly boundary of the Township of Laberge to the intersection with the northerly limit of the right of way of the Canadian Pacific Limited; thence westerly along the said northerly limit to the intersection with the easterly boundary of the Township of Lecours; thence southerly along the said easterly boundary and its southerly production to the intersection with the easterly production of the southerly boundary of the

Township of Pic; thence westerly along the said easterly production and the southerly boundary of the said Township of Pic to the intersection with the boundary of Pukaskwa National Park; thence north $00^{\circ} 38' 10''$ east along the said park 780.468 metres; thence north $86^{\circ} 31' 40''$ west along the said park 2323.993 metres; thence north $02^{\circ} 25' 50''$ east along the said park 1014.761 metres; thence south $50^{\circ} 26' 20''$ west along the said park 129.174 metres; thence south $56^{\circ} 08' 20''$ west along the said park 266.282 metres; thence south $18^{\circ} 25' 00''$ west along the said park 486.571 metres; thence south $26^{\circ} 00' 10''$ west along the said park 200.863 metres; thence south $47^{\circ} 18' 20''$ west along the said park 306.376 metres; thence north $71^{\circ} 56' 30''$ west along the said park 183.596 metres; thence south $70^{\circ} 34' 40''$ west along the said park 329.245 metres, more or less, to the water's edge of Lake Superior; thence south 68° west 9.656 kilometres; thence south 22° east 25.750 kilometres; thence south 30° west 82.077 kilometres, more or less, to the International Boundary between Canada and the United States of America; thence in a northwesterly, southwesterly and westerly direction following that International Boundary to longitude $92^{\circ} 30'$; thence northerly along that longitude to the high-

water mark along the southerly bank of the Seine River; thence easterly along that high-water mark to the southerly boundary of Indian Reserve 23A; thence easterly and northerly along that boundary to the high-water mark along the southerly bank of the Seine River; thence easterly along that high-water mark to the southerly limit of the right of way of that part of the King's Highway known as No. 11; thence easterly along that right of way to the southerly production of the easterly boundary of the Township of Bennett in the Territorial District of Rainy River; thence northerly along that southerly production and the easterly boundary of that township and the northerly production of the easterly boundary of the Township of Bennett to the third base line as surveyed by O.L.S. Gillon in 1928; thence westerly along that baseline to the 5th meridian line; thence northerly along that meridian line to a line drawn west astronomically from the southwesterly corner of the Township of Grummett in the Territorial District of Kenora; thence east astronomically to the southwesterly corner of the Township of Grummett; thence easterly along the southerly boundary of the townships of Grummett, Cathcart, McNevin and Corman to the place of beginning. O. Reg. 335/80, s. 2.

REGULATION 637

under the Mining Act

REFINERY LICENCES

1. The fees payable under Part X of the Act are,

(a) for a refinery licence..... \$5.00
(b) for a renewal of a refinery licence.. 5.00
(c) for a certificate of exemption..... no fee
(d) for a renewal of a certificate of exemption..... no fee
O. Reg. 162/74, s. 1.
2. The forms are prescribed for use under Part X of the Act. R.R.O. 1970, Reg. 607, s. 2.

Form 1

Mining Act

APPLICATION FOR REFINERY LICENCE

Name of applicant.....
(print name)

Address.....

Nationality..... If British subject state
whether by birth or naturalization.....

If applicant is an incorporated company, under
laws of what jurisdiction was applicant incor-
porated?
.....

Location of refinery.....
.....

Purposes for which refinery is used.....
.....

Dated at....., this..... day of.....,
19....

Enclosed herewith is fee of \$5.

.....
(applicant)

.....
(witness)

(Where applicant is an incorporated company, this application may be signed by the president, secretary, manager or other responsible official.)

O. Reg. 162/74, s. 2, *part.*

Form 2

Mining Act

APPLICATION FOR RENEWAL OF REFINERY LICENCE

Number of licence and of last renewal thereof....

Name of applicant.....
(print name)

Address.....

Has there been any change in the location or pur-
pose for which refinery is used since the issue of
the refinery licence or last renewal thereof? If
so, give particulars.....
.....

Has the refinery been used for refining any ore,
mineral or substance belonging to any person
other than the applicant since the issue of the
refinery licence or the last renewal thereof? If
so, give particulars thereof. (If licensee is in the
business of assaying, so state.)
.....
.....

Dated at....., this..... day of.....,
19....

Enclosed herewith is fee of \$5.

.....
(applicant)

.....
(witness)

(Where applicant is an incorporated company, this application may be signed by the president, secretary, manager or other responsible official.)

O. Reg. 162/74, s. 2, *part.*

Form 3*Mining Act*APPLICATION FOR CERTIFICATE OF
EXEMPTIONName of applicant
(print name)

Address

Location of refinery

Is certificate of exemption sought because refinery,

(a) is not maintained or used for the refining,
retorting, smelting, assaying or treating of
ore, mineral or substance for the purpose of
recovering or determining the quantity of
gold, platinum, silver or any other precious
metal therefrom or therein; or

(b) is used only for educational purposes?

(Answer simply (a) or (b)

If (a), state purpose for which refinery is used.....

If (b), state whether refinery is used,

(a) exclusively for educational purposes.....

.....; or

(b) for educational purposes and commercial
assaying or other commercial purposes from

which any revenue is derived.....

.....

state to whom such revenue is paid.....

.....

Dated at, this day of,

19....

.....
(applicant).....
(witness)

R.R.O. 1970, Reg. 607, Form 3.

Form 4*Mining Act*APPLICATION FOR RENEWAL OF
CERTIFICATE OF EXEMPTIONName of applicant
(print name)

Address

Business of applicant

Has there been any change in the location, or pur-
pose for which refinery is used, since the issue of
the certificate of exemption or last renewal thereof?
If so, give particulars.

.....

.....

.....

Dated at, this day of,

19....

.....

(applicant)

.....

(witness)

R.R.O. 1970, Reg. 607, Form 4.

Form 5*Mining Act*

No.....

REFINERY LICENCE

Issued under Part X of the Act to.....

.....

of (or in the case of a company, with head office at)

....., in respect of

(a) refinery(ies).....owned or

operated by the said.....

and located at.....

Dated at Toronto, this.... day of,

19....

.....
Minister of Natural Resources

(This licence expires with the 31st day of March, 19.... and must be renewed on or before that date. Forms of application for renewal will be supplied on application to the Minister. This licence is not transferable.)

O. Reg. 162/74, s. 2, *part*.

Form 6

Mining Act

No.....

RENEWAL OF REFINERY LICENCE

No.....19....

Issued under Part X of the Act to.....
.....

of (or in the case of a company, with head office at)
.....

in respect of (a) refinery(ies) owned or operated by
the said.....

and located at.....

Dated at Toronto, this.... day of,
19....

.....
Minister of Natural Resources

(This renewal of licence expires on the 31st day of March, 19.... and must be renewed on or before that date. Forms of application for renewal will be supplied on application to the Minister. A refinery licence or renewal thereof is not transferable.)

O. Reg. 162/74, s. 2, *part*.

Form 7

Mining Act

No.....

CERTIFICATE OF EXEMPTION

Issued under Part X of the Act to.....

of (or in the case of a corporation, with head office at)
.....

in respect of (a) refinery(ies) owned or operated by the
said.....

and located at.....

This certificate of exemption is issued upon the condition that the refinery(ies) not be used for refining, retorting, smelting, assaying or treating any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein or, if so used, be used only for educational purposes.

Dated at Toronto, this day of,
19....

.....
Minister of Natural Resources

(This certificate of exemption expires on the 31st day of March, 19...., and must be renewed on or before that date. Forms of application for renewal will be supplied on application to the Minister. A certificate of exemption or renewal thereof is not transferable.)

R.R.O. 1970, Reg. 607, Form 7.

Form 8

Mining Act

No.....

RENEWAL OF CERTIFICATE OF EXEMPTION

No....., 19....

Issued under Part X of the Act to

.....
of

in respect of (a) refinery(ies) owned or operated by the
said.....

and located at.....

Dated at Toronto, this day of,
19....

.....
Minister of Natural Resources

(This renewal of certificate of exemption expires with the 31st day of March, 19...., and must be renewed on or before that date. Forms of application for renewal will be supplied on application to the Minister. A certificate of exemption or renewal thereof is not transferable.)

R.R.O. 1970, Reg. 607, Form 8.

REGULATION 638

under the Mining Act

SURVEYS OF MINING CLAIMS

FILING OF SURVEY RETURNS

1. Immediately after the completion of every survey of a mining claim, the surveyor shall deliver or forward by registered mail to the Surveyor General, by his official title, his returns of survey as specified by section 3. R.R.O. 1970, Reg. 609, s. 1.

INSPECTION OF SURVEYS

2. All surveys of mining claims are subject to inspection and, in the event of the work not being found correct and in compliance with this Regulation, the surveyor shall make such amendments as are ordered by the Surveyor General. R.R.O. 1970, Reg. 609, s. 2.

RETURNS OF SURVEY

3. The following returns of survey of a mining claim shall be forwarded to the Surveyor General:

1. One certified copy of the field notes on durable tracing linen.
2. One certified copy of the plan of each individual claim on durable tracing linen.
3. One certified copy of the application to record and sketch.
4. A tabulated list, certified correct, of the prospector's posts bearing legible markings at the time of survey, and of all survey posts and, in the absence of survey posts, a brief description of the manner in which the survey corner was re-established.
5. A tabulated list of latitudes and departures.
6. A metes and bounds description of each mining claim situated in a subdivided township.
7. Where a mining claim is situated in a township lot of a subdivided township or recorded as an aliquot part of a mining location, paragraph 4 does not apply. R.R.O. 1970, Reg. 609, s. 3.

4. The following returns of survey of a mining claim shall be forwarded to the mining recorder:

1. One white or blue print of the field notes.
2. Two copies of the plan of each individual claim on durable tracing linen.

3. A metes and bounds description of each mining claim situated in a subdivided township. R.R.O. 1970, Reg. 609, s. 4.

SURVEYS

5. The scale of the plan and field notes shall vary between five to ten chains to an inch, depending on the size of the claims and the detail to be shown. R.R.O. 1970, Reg. 609, s. 5.

6. Where a group of claims is surveyed, the field notes may be shown on one compiled plan, if the plan does not exceed an area of five square feet. R.R.O. 1970, Reg. 609, s. 6.

7. Measurements shall be shown in chains and decimals of a chain. R.R.O. 1970, Reg. 609, s. 7.

8. The direction of the surveyed lines shall be shown by astronomical bearings, referred to the reference meridian passing through the centre of the township but, where a mining claim is not situated in a township, the bearings shall be referred to a reference meridian through the point of observation. R.R.O. 1970, Reg. 609, s. 8.

9.—(1) In every group, or connected group of mining claims, six or more in number, whether surveyed at one time, or at different times by the same surveyor, an astronomical observation for azimuth shall be taken and, where the group exceeds twelve in number, a check observation for azimuth shall be made for each multiple of twelve claims.

(2) Where the group is less than six in number, the bearings may be referred to a previously surveyed line, claim or parcel of record in the Department, if the bearings shown are reliable. R.R.O. 1970, Reg. 609, s. 9.

10. The surveyor shall mark out the boundaries of the mining claim by blazing the adjacent trees on three sides, one blaze on the face of the tree on the direction of the line and one blaze on each face of the tree at right angles to the direction of the line, the lines being well cut out and straight between survey posts. R.R.O. 1970, Reg. 609, s. 10.

11.—(1) The surveyor shall plant at each angle of the claim a metal post not less than five-eighths of an inch square or three-quarters of an inch in diameter and not less than eighteen inches in length, with the number of the post permanently marked thereon together with the recorded number and letter or letters of the claim and shall also plant at each metal post a durable wooden post, not less than four inches square and thirty-six inches in length, marked in the same manner as the metal post.

(2) Where, owing to physical features, it is not practicable to plant a post at the true corner of the claim, a witness post shall be planted in lieu thereof and marked "W.P." together with the number of the post, recorded number of the claim and letters pertaining thereto. R.R.O. 1970, Reg. 609, s. 11.

12. The marks on the survey posts and bearing trees shall be made in a neat and workmanlike manner with a sharp knife or scribing iron. R.R.O. 1970, Reg. 609, s. 12.

13. Where available, each survey corner shall be referenced by two bearing trees, preferably at right angles to the survey post, and the measurements shall be made from the blaze to the survey post. R.R.O. 1970, Reg. 609, s. 13.

14. The survey of a mining claim shall be connected with a previously surveyed claim, parcel, line or traverse post of record in the Ministry if the survey is within a radius of two miles, and in other cases, the surveyor shall select a prominent point at which to plant a permanent post. R.R.O. 1970, Reg. 609, s. 14.

15. Where a mining claim is composed partly of land and partly of land under water, the normal or average high-water mark shall constitute the boundary. R.R.O. 1970, Reg. 609, s. 15.

DATA TO BE SHOWN ON FIELD NOTES

16.—(1) Survey posts, bearing trees, observations, scale, north point, adjacent claims surveyed or unsurveyed, streams, roads, power or telephone lines, surveyed lines and the connections made thereto and the high-water mark shall be shown on field notes, and traverses shall be made of all lakes and rivers situated within the limit of the mining claim, and all traverse lines shall be shown in a good quality of vermilion ink and the measurements and bearings of the traverse and boundary lines shall be shown in black india ink.

(2) The title of the field notes shall mention each claim number surveyed and the township or area, together with the district in which the claim is situated.

(3) The following certificate shall appear on the field notes:

"I hereby certify that I have carefully examined the ground included in Mining Claim No., surveyed by me and have otherwise made all reasonable investigations in my power to ascertain if there was any other subsisting claim conflicting therewith and I certify that I found no trace or indication and have no knowledge or information of any such claim except as follows: (if none, so state; if any, give particulars)."

.....
Ontario Land Surveyor.

R.R.O. 1970, Reg. 609, s. 16.

DATA TO BE SHOWN ON PLANS

17.—(1) The title on the plan shall mention the claim number, the township or area, together with the district in which the claim is situated and, where a mining claim is composed of a part of a township lot or recorded as being an aliquot part of a mining location, the title shall first mention the township lot or mining location and then the recorded mining claim number.

(2) The measurements, bearings and boundary lines shall be shown in black india ink and the boundary lines shall be outlined in a light red colour.

(3) All streams, roads, power or telephone lines, surveyed lines and the connections thereto shall be shown, and a water line shall be shown around the shores of all lakes and rivers but the traverse thereof need not be shown.

(4) The adjacent mining claims shall be shown and if the adjacent claim is not surveyed, the words "not surveyed" shall also be shown.

(5) The scale and north point shall be shown on the plan together with the following certificate:

"I hereby certify that the foregoing plan is correct and is prepared from actual survey performed under my own personal supervision and that I was personally present throughout the progress of the survey."

.....
Ontario Land Surveyor.

R.R.O. 1970, Reg. 609, s. 17.

AREAS

18. The area of a mining claim shall be computed to two places of decimals and, where a claim is composed partly of land and partly of land under water, or partly in two townships, separate areas shall be computed. R.R.O. 1970, Reg. 609, s. 18.

LIMIT OF ERROR

19. The closing error of a surveyed mining claim shall not exceed a ratio of 1 in 2,000, or the square root of the sum of the squares of the closing error in latitude and departure shall not exceed four links in a standard size claim of twenty chains square. R.R.O. 1970, Reg. 609, s. 19.

DUTY OF SURVEYOR BEFORE COMMENCING SURVEY

20.—(1) Except as herein provided, no survey shall be made within a distance of fifteen miles in a straight line from the recorder's office without the written consent or direction of the recorder or of the Commissioner, or of the Minister or Deputy Minister,

and, before proceeding with the survey, the surveyor shall examine the application and sketch or plan of the claim or certified copies thereof.

(2) Where a claim is fifteen miles or more in a straight line from the recorder's office, and where the surveyor has not applied for the consent or direction under subsection (1), the surveyor may survey the claim, but before he signs the certificate required by section 16, he shall in all other respects follow the procedure under subsection (1) and shall, in addition to his survey, file with the recorder a sworn statement setting out the circumstances under which the survey was made without the consent referred to in subsection (1). R.R.O. 1970, Reg. 609, s. 20.

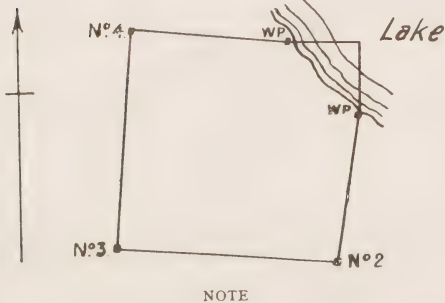
METHOD OF SURVEY

21.—(1) In surveying a mining claim in unsurveyed territory, the surveyor shall establish the boundaries of the claim by running straight lines from the No. 1 post at the northeast angle of the claim to the No. 2 post at the southeast angle thereof, from the No. 2 post to No. 3 post at the southwest angle thereof and from No. 3 post to No. 4 post at the northwest angle thereof, and from No. 4 post to No. 1 post and, where two mining claims are shown as having a common boundary in whole or in part, the boundary of the prior subsisting claim governs.

(2) In establishing the boundaries of a mining claim in unsurveyed territory where, owing to the nature and conformation of the ground, the true angle or angles of the claim could not be posted, and the position thereof is indicated by witness posts as illustrated in each of the diagrams hereto, the surveyor shall follow the method described in the note to the diagram, having due regard to prior subsisting claims and to subsection 110 (2) of the Act.

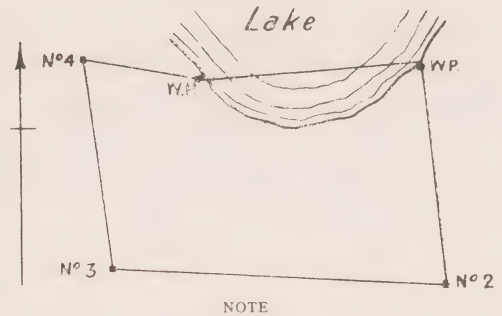
(3) The posts as shown by the diagrams hereto are located on the ground by survey. R.R.O. 1970, Reg. 609, s. 21.

DIAGRAM No. 1



Draw a line north astronomically from the witness post on the east boundary to intersect a line drawn east astronomically from the witness post on the north boundary.

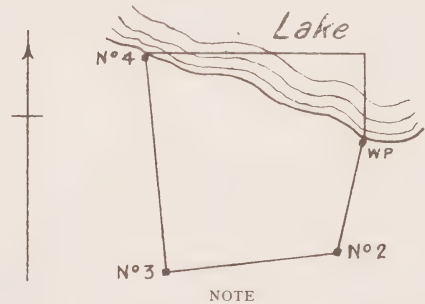
DIAGRAM No. 2



EXPLANATION: The prospector's sketch indicates the position of the witness posts as shown by Diagram No. 1.

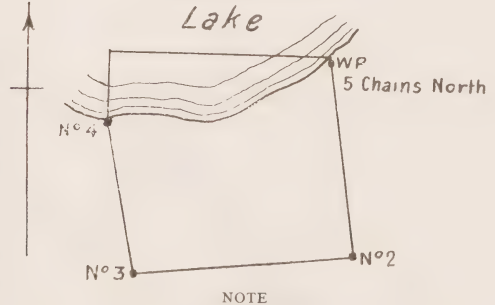
PROCEDURE: Accept witness post on the east boundary as the No. 1 post and join in a straight line to the witness post on the north boundary.

DIAGRAM No. 3



Draw a line north astronomically from the witness post on the east boundary to intersect a line drawn east astronomically from the No. 4 post.

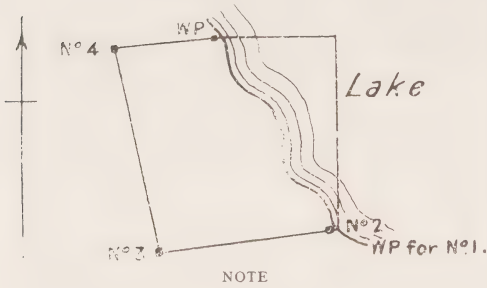
DIAGRAM No. 4



EXPLANATION: The prospector's sketch indicates the position of the witness posts as shown by Diagram No. 3.

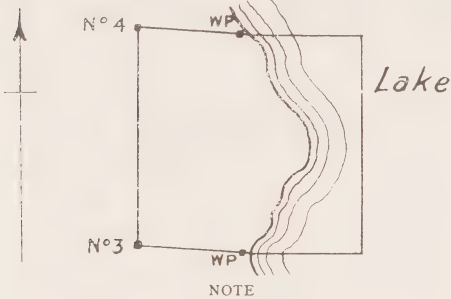
PROCEDURE: Accept the witness post on the east boundary as the No. 1 post and draw a line west astronomically from this point to intersect a line drawn north astronomically from the prospector's No. 4 post.

DIAGRAM No. 5



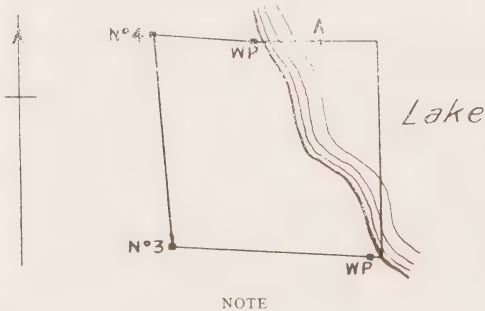
Draw a line north astronomically from the No. 2 post to intersect a line drawn east astronomically from the witness post on the north boundary.

DIAGRAM No. 6



Draw a line east astronomically from the witness post on the north boundary the "call" distance; thence from this point draw a line south astronomically to intersect a line drawn east astronomically from the witness post on the south boundary.

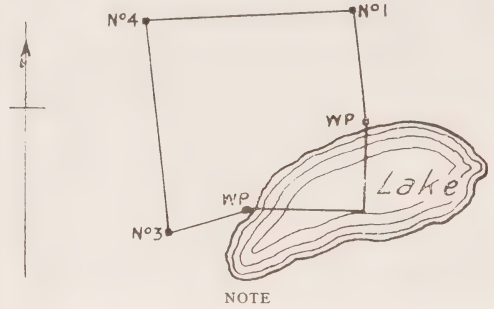
DIAGRAM No. 7



The "call" distance from the witness post on the north boundary extends only to point "A" and a line projected south astronomically from "A" intersects the south boundary west of the witness post.

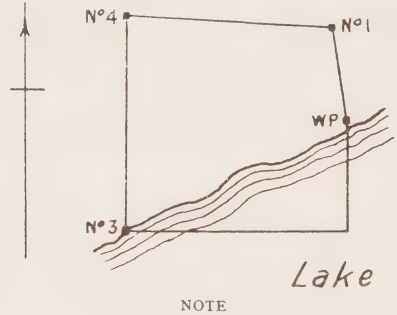
PROCEDURE: Accept witness post on the south boundary as the No. 2 post and proceed as in Diagram No. 5.

DIAGRAM No. 8



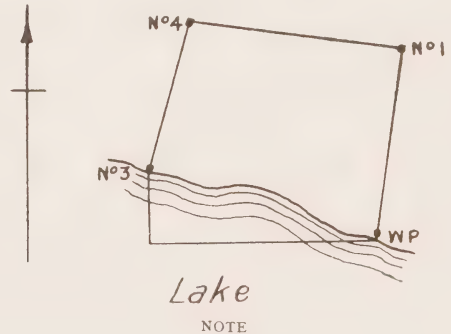
Draw a line south astronomically from the witness post on the east boundary to intersect a line drawn east astronomically from the witness post on the south boundary.

DIAGRAM No. 9



Draw a line south astronomically from the witness post on the east boundary to intersect a line drawn east astronomically from the No. 3 post.

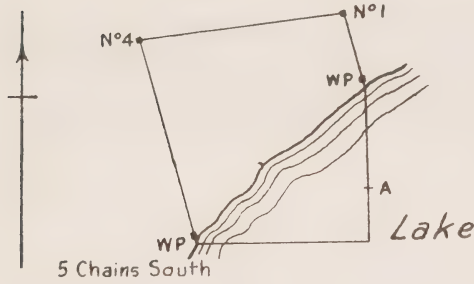
DIAGRAM No. 10



EXPLANATION: The prospector's sketch indicates the position of the No. 3 and witness posts as shown by Diagram No. 9.

PROCEDURE: Accept the witness post on the east boundary as the No. 2 post and from this point draw a line west astronomically to intersect a line drawn south astronomically from the prospector's No. 3 post.

DIAGRAM No. 11

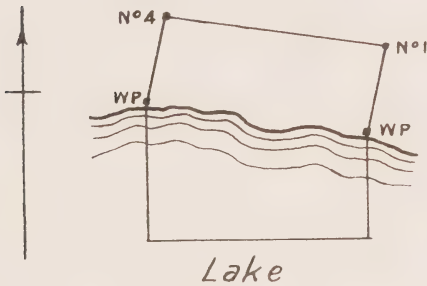


NOTE.

The "call" distance from the witness post on the east boundary extends only to point "A". A line projected west astronomically from point "A" intersects the west boundary north of the witness post.

PROCEDURE: Accept the witness post on the west boundary as the No. 3 post and draw a line east astronomically from this point to intersect a line drawn south astronomically from the witness post on the east boundary.

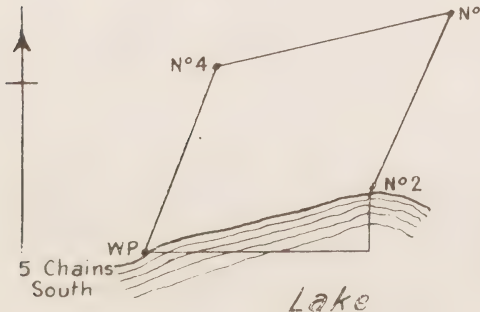
DIAGRAM No. 12



NOTE

Draw a line south astronomically from the witness post on the east boundary the "call" distance, and from this point draw a line west astronomically to intersect a line drawn south astronomically from the witness post on the west boundary.

DIAGRAM No. 13

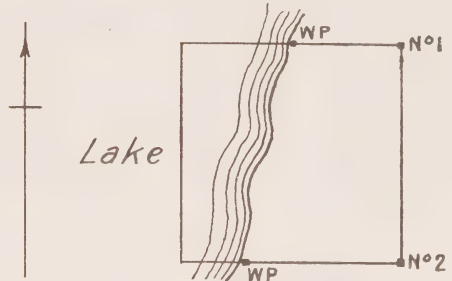


NOTE

EXPLANATION: The prospector's sketch indicates that the witness post is north of the No. 2 post.

Accept witness post on the west boundary as the No. 3 post and from this point draw a line east astronomically to intersect a line drawn south astronomically from the prospector's No. 2 post.

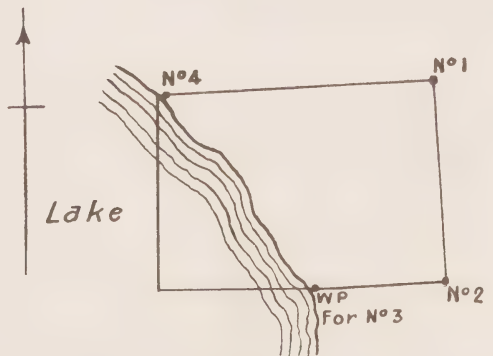
DIAGRAM No. 14



NOTE

Draw a line west astronomically from the witness post on the south boundary the "call" distance and from this point draw a line north astronomically to intersect a line drawn west astronomically from the witness post on the north boundary.

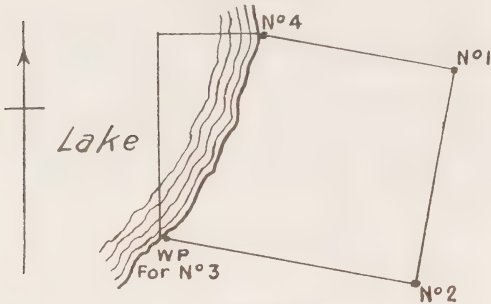
DIAGRAM No. 15



NOTE

Draw a line west astronomically from the witness post on the south boundary to intersect a line drawn south astronomically from the No. 4 post.

DIAGRAM No. 16

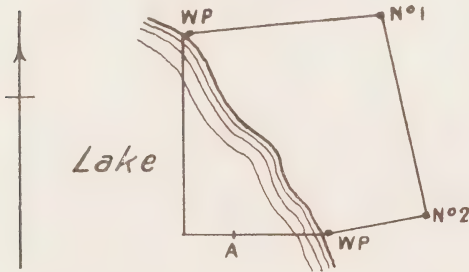


NOTE

EXPLANATION: The prospector's sketch indicates the position of the No. 4 post and witness post as shown by Diagram No. 15.

PROCEDURE: Accept witness post on the south boundary as the No. 3 post and from this point draw a line north astronomically to intersect a line drawn west astronomically from the prospector's No. 4 post.

DIAGRAM No. 17

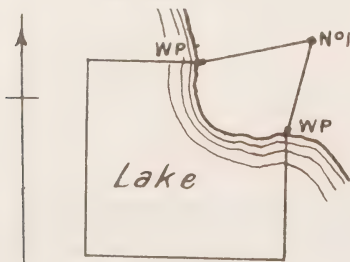


NOTE

The "call" distance from the witness post on the south boundary extends only to point "A". A line projected north astronomically from point "A" intersects the north boundary east of the witness post.

PROCEDURE: Accept witness post on the north boundary as the No. 4 post and draw a line south astronomically from this point to intersect a line drawn west astronomically from the witness post on the south boundary.

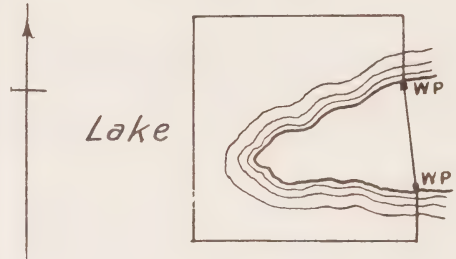
DIAGRAM No. 18



NOTE

Draw a line south astronomically from the post on the easterly boundary the "call" distance; thence west astronomically 20 chains; thence north astronomically to intersect a line drawn west astronomically from the witness post on the northerly boundary.

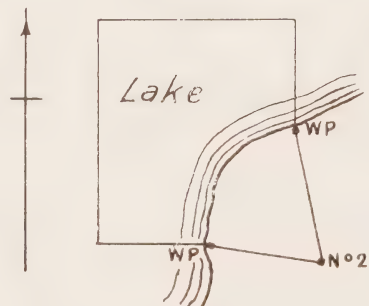
DIAGRAM No. 19



NOTE

Draw a line north astronomically from the northerly witness post the "call" distance to establish the northeasterly angle of the claim. From the southerly witness post draw a line south astronomically the "call" distance to establish the southeasterly angle; thence west astronomically 20 chains; thence north astronomically to intersect a line drawn west astronomically from the northeasterly angle.

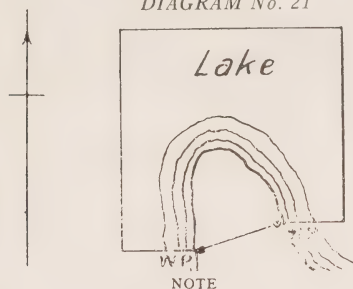
DIAGRAM No. 20



NOTE

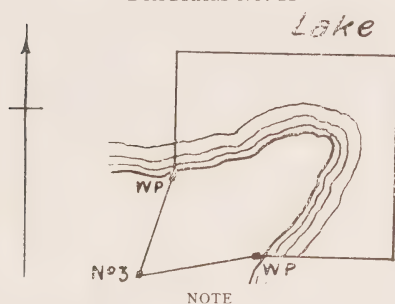
Draw a line north astronomically the "call" distance to establish the northeasterly angle. From the witness post on the southerly boundary draw a line west astronomically the "call" distance to establish the southwesterly angle; thence north astronomically to intersect a line drawn west astronomically from the northeasterly angle.

DIAGRAM No. 21



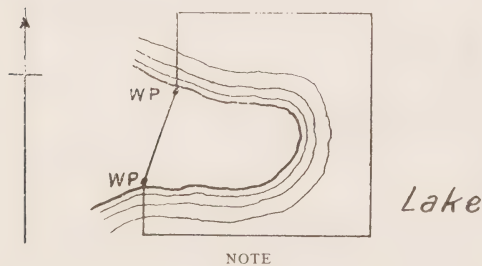
Draw a line east astronomically from the easterly witness post the "call" distance; thence north astronomically 20 chains to establish the northeasterly angle. From the westerly witness post draw a line west astronomically the "call" distance; thence north astronomically to intersect a line drawn west astronomically from the northeasterly angle.

DIAGRAM No. 22



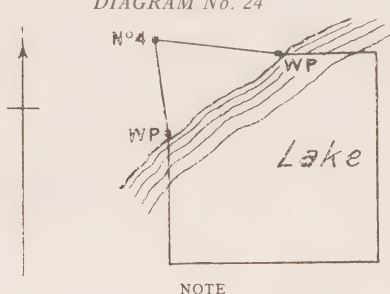
From the witness post on the southerly limit, draw a line east astronomically the "call" distance; thence north astronomically 20 chains to establish the northeasterly angle. From the witness post on the westerly limit draw a line north astronomically to intersect a line drawn west astronomically from the northeasterly angle.

DIAGRAM No. 23



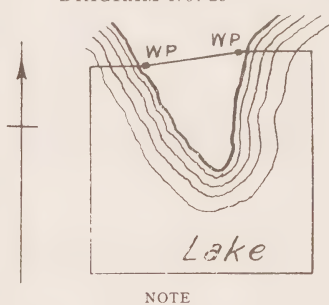
From the northerly witness post on the westerly limit draw a line north astronomically the "call" distance; thence east astronomically 20 chains to establish the northeasterly angle; thence south astronomically 20 chains. From the southerly witness post draw a line south astronomically to intersect a line drawn west astronomically from the southeasterly angle.

DIAGRAM No. 24



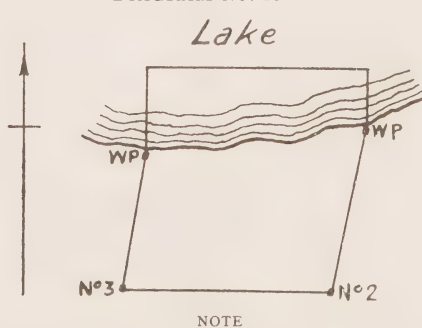
From the witness post on the northerly limit draw a line east astronomically the "call" distance to establish the northeasterly angle; thence south astronomically 20 chains; thence west astronomically to intersect a line drawn south astronomically from the witness post on the westerly limit.

DIAGRAM No. 25



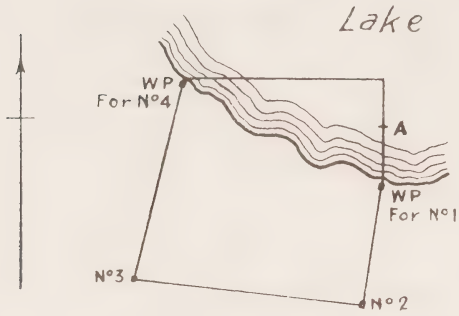
From the easterly witness post draw a line east astronomically the "call" distance to establish the northeasterly angle; thence south astronomically 20 chains; thence west astronomically 20 chains; thence north astronomically to intersect a line drawn west astronomically from the westerly witness post.

DIAGRAM No. 26



From the witness post on the easterly boundary draw a line north astronomically the "call" distance to establish the northeasterly angle. From the witness post on the westerly boundary draw a line north astronomically to intersect a line drawn west astronomically from the westerly witness post.

DIAGRAM No. 27



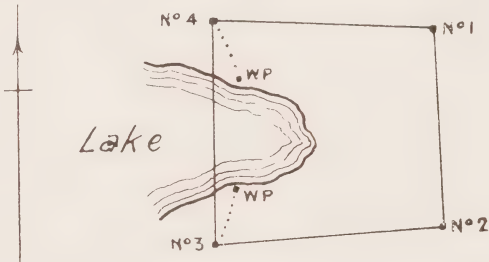
NOTE

EXPLANATION: Prospector's sketch indicates the position of the witness posts, as shown in Diagram No. 26.

The "call" distance from the witness post on the east boundary extends only to point "A". A line projected west astronomically from point "A" intersects the west boundary south of the witness post

PROCEDURE: Accept the witness post on the west boundary as the No. 4 post and draw a line east astronomically from the point to intersect a line drawn north astronomically from the witness post on the east boundary.

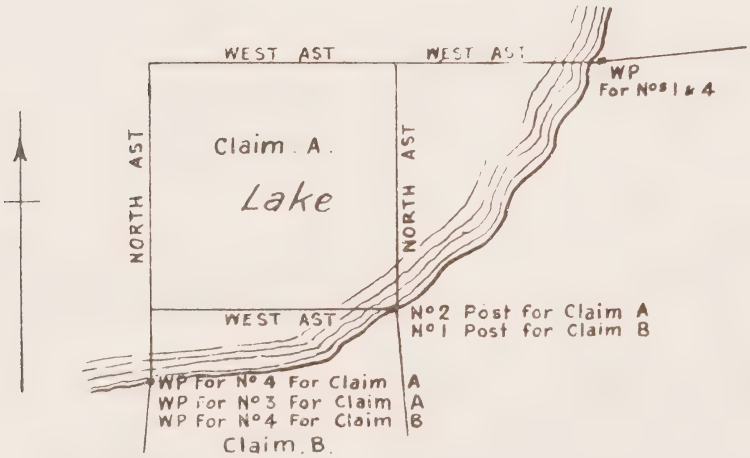
DIAGRAM No. 28



NOTE

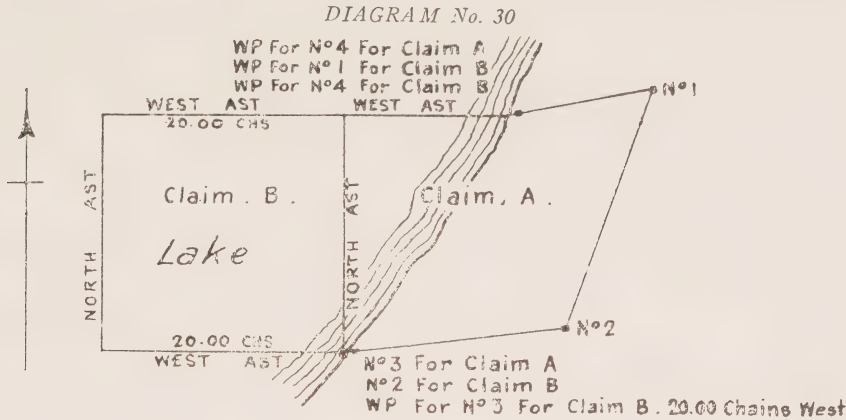
Witness posts were planted by the prospector on each side of a small lake on the west boundary, but all corners of the claim were duly marked with posts. Establish west boundary by a straight line between the No. 3 and 4 posts, disregarding the witness posts.

DIAGRAM No. 29



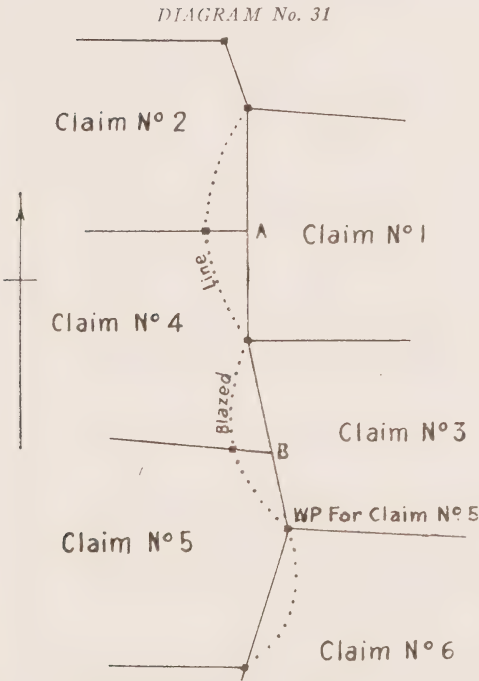
NOTE

Establish boundaries of Claim "A" as indicated by diagram.



NOTE

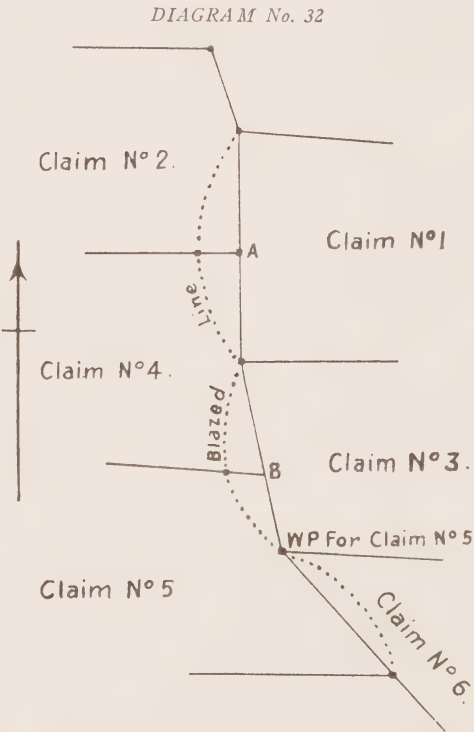
Establish boundaries of Claims "A" and "B" as indicated by diagram.



(Illustrating proviso in subsection 21 (1))

NOTE

The claims were staked as partly shown by this diagram in order of priority, as shown by the numbers. Part of the westerly boundaries of Claim No. 1 and Claim No. 3 will form the easterly boundary of Claim No. 4 and in the survey of No. 4, the surveyor will plant the corner posts at points "A" and "B" but show on his field notes the position of the prospector's posts. Establish the east boundary of Claim No. 5 as shown by diagram and not by a straight line between point "B" and the No. 2 post.



(Illustrating proviso in subsection 21 (1))

NOTE

Establish that part of the east boundary of Claim No. 5, lying south of the No. 3 post of Claim No. 3 by a straight line between the No. 3 post of Claim No. 3 and the No. 2 post of Claim No. 5 and not by a straight line between point "B" and the No. 2 post.

REGULATION 639

under the Mining Tax Act

GENERAL

1. In this Regulation,

- (a) "bullion" means a precious metal alloy product of processing in the form of bars, plates, lumps or other masses and includes,
 - (i) "crude bullion" where the specific quality is 99.5 per cent or less gold and silver by weight, and
 - (ii) "refined bullion" where the specific quality is greater than 99.5 per cent gold and silver by weight;
- (b) "combined profit" means the amount determined under subsection 5 (1), excluding clause (f), and subsections 5 (4) and (5) of this Regulation less the amount determined under clauses 3 (7) (d) to (n) of the Act;
- (c) "concentrating" means the separation and accumulation of economic minerals by separating out the valuable mineral constituent as a concentrate in several stages from the valueless gangue, waste, rock, tails or rejects, by essentially physical means, without changing the physical or chemical identity of the ores and minerals;
- (d) "concentrator" means a processing plant in which concentrating occurs;
- (e) "disposal" means the transfer or sale of the right, title or interest in assets in the form of output product, plant, equipment, buildings or related property to the control and possession of another person, and "dispose of" has a corresponding meaning;
- (f) "hedging" means the fixing of a price for a mineral commodity before delivery by means of a forward sale or a futures contract on a recognized commodity exchange, or the purchase or sale forward of a foreign currency related directly to the proceeds of the sale of the processed product of the mineral output, but does not include speculative currency hedging except to the extent that any one of these transactions determine the final price and proceeds for the product;
- (g) "mining operations" means the extraction of minerals and the associated activity through to the pit's mouth and includes those ordinary processes normally used by the operator to obtain a commercially marketable mineral product customarily sold in that grade, sizing and form, but which do not constitute processing;
- (h) "Northern Ontario" means all those parts of Ontario lying north and west of the Mattawa River, Lake Nipissing and the French River and includes the Territorial District of Manitoulin;
- (i) "pit's mouth" means the loading point at ground level of the conveyor or other transportation facility that delivers a mineral substance to the pick-up point for shipment from the mine property to market or that delivers it to the processing plant;
- (j) "proceeds" and "gross receipts" means the total consideration that is received or is receivable from another person or persons, in any currency, whether in cash or non-cash form, from the sale or disposition in any manner of any mining or processing plant or of the primary or the processed mineral product, including all of the by-products sold, and all consideration received or receivable from hedging and future sales or forward sales on the processed mineral product converted at the date of receipt of that consideration to its equivalent in Canadian funds, if not receivable as such;
- (k) "processing allowance" means an allowance for profit on processing determined by multiplying the capital cost to the operator of all processing assets in Canada as constructed by the percentage amount set out in or determined under section 8;
- (l) "processing assets" means the assets of processing plants and includes ancillary assets related to the processing of minerals, but does not include,
 - (i) the value of spare parts for such assets in inventory,
 - (ii) stockpiles or inventories of processed mineral substances,
 - (iii) assets for transportation of the processed product to market from

the point at which processing is completed, or

(iv) social assets;

(m) "processing plant" means a plant used for processing and includes processing assets;

(n) "refinery" means a processing plant in which refining occurs;

(o) "refining" means the processes of metal or mineral recovery, other than mining, concentrating and smelting, for removal of impurities from a relatively impure product or metal product (the product of a smelter or leaching plant) by means of,

(i) heat-induced chemical reactions between constituents in a molten state with a high metal content,

(ii) electrolytic methods,

(iii) solvent extraction,

(iv) hydrometallurgical methods,

(v) vapometallurgical methods, or

(vi) any combination of the above methods,

in order to achieve a very high degree of purity in the resulting metal or a product suitable for direct use in the arts within the meaning of section 104 of the *Mining Act*;

(p) "semi-fabricating plant" means a processing plant taking material of mineral origin beyond the refined or primary metal stage and includes a semi-alloys plant, a chemical plant utilizing acid derived from sulphide ores, a zinc die-casting plant, a rolling mill or a small diameter tube mill, or any other plant designated by the Lieutenant Governor in Council to be a semi-fabricating plant;

(q) "smelter" means a processing plant in which smelting occurs;

(r) "smelting" means,

(i) the process of roasting or melting an ore or concentrate accompanied by a chemical change that results in products that are different from the mineral substance existing before the conversion,

(ii) chemical reduction to the metallic state, or

(iii) the process of treating an ore or concentrate to produce a product suitable as feed to a refinery. O. Reg. 126/75, s. 1; O. Reg. 89/79, s. 1.

2. For the purposes of this Regulation,

(a) an iron ore pelletizing plant, a direct-reduction or sponge iron plant or a multiple product iron plant that produces a product, other than concentrate,

(i) with more than 60 per cent iron content but less than 90 per cent iron content, is a smelter, and,

(ii) with 90 per cent or more iron content, or if the metals or other saleable production, whether of iron, nickel, platinum group metals or other primary product, can be used directly in the arts within the meaning of section 104 of the *Mining Act*, is a refinery;

(b) a processing plant or asset at a mine, that produces,

(i) crude bullion, is a smelter, and

(ii) refined bullion, is a refinery;

(c) a uranium processing plant that produces,

(i) a product containing 50 per cent or less by weight uranium (U), is a concentrator,

(ii) a product containing more than 50 per cent by weight uranium (U), and not meeting the criteria described in subclause (iii), is a smelter,

(iii) a product containing less than 1 per cent by weight of elements other than uranium, fluorine, carbon or oxygen, provided that the product can be used directly for the production of reactor grade fuel for a reactor, or used directly as a metal for alloying purposes or used directly as a feed to a uranium enrichment plant, is a refinery;

(d) a processing plant that crushes, grinds, screens, mills, calcines, dries or otherwise processes any non-metallic mineral from a mine, is a concentrator. O. Reg. 126/75, s. 2.

3.—(1) For the purposes of disaggregation under subsection 3 (3) of the Act, an open pit mine or an underground mine may be deemed to be a mine

brought into active operation for the first time after the 9th day of April, 1974, if,

(a) in the opinion of the mine assessor the mine is,

(i) a new mine project separate and distinct geologically and having no common workings with another mine during the immediately preceding five taxation years,

(ii) a mine project involving an investment at an existing mining operation that increases the rate of ore production from the mining operation by at least 30 per cent over the highest annual production during the immediately preceding five taxation years for each expanded mine, or

(iii) a mine inactive on the 9th day of April, 1974 that is reopened or that, if closed down after that date, remains closed down for a continuous period of five years before reopening; or

(b) the mine is any other major mining investment that, in the opinion of the Lieutenant Governor in Council, warrants disaggregation. O. Reg. 89/79, s. 2 (1).

(2) The date of commencement of the active operation and production of mineral substances from a working or excavation of the ground for the taking or extracting of mineral substances brought into active operation and production for the first time after the 9th day of April, 1974 shall be determined by the mine assessor. O. Reg. 126/75, s. 3 (2).

(3) No mine shall be disaggregated under subsection (1) unless the mine assessor rules that it falls within one of the criteria set out in clause (1) (a) or the Lieutenant Governor in Council determines that it warrants disaggregation. O. Reg. 89/79, s. 2 (2), *part*.

(4) Upon receipt of satisfactory information in the form of a statutory declaration by the operator, the mine assessor shall make an advance ruling on qualification for disaggregation. O. Reg. 126/75, s. 3 (3).

(5) An open pit mine or an underground mine that qualified prior to the 8th day of March, 1978 for disaggregation under paragraph i or ii of subsection (1), as the subsection existed immediately prior to that date, remains qualified for disaggregation if the mine assessor was advised of such qualification prior to the 1st day of April, 1979. O. Reg. 89/79, s. 2 (2), *part*.

4.—(1) For the purposes of subclause 3 (7) (l) (iii) of the Act, a new mine shall be deemed to have come

into existence or a major expansion of an existing mine shall be deemed to have occurred after the 7th day of March, 1978, if,

(a) in the opinion of the Minister such new mine or major expansion is,

(i) a new mine project separate and distinct geologically and having no common workings with another mine during the immediately preceding five taxation years,

(ii) a mine project involving an investment at an existing mine operation that increases the rate of ore production from the mining operation by at least 30 per cent over the highest annual production during the immediately preceding five taxation years for each expanded mine, or

(iii) a mine inactive on the 7th day of March, 1978 that is reopened, or that, if closed down after that date, remains closed down for a continuous period of five years before reopening; or

(b) the mine or expansion is designated by the Lieutenant Governor in Council as a new mine or a major expansion of an existing mine.

(2) Where the Minister is of the opinion that a new mine has come into existence or a major expansion of an existing mine has occurred after the 7th day of March, 1978, he may designate it as a new mine or a major expansion of an existing mine for the purposes of subclause 3 (7) (l) (iii) of the Act.

(3) The date of completion of a mine project for the purposes of subclause 3 (7) (l) (iii) of the Act shall be determined by the Minister. O. Reg. 89/79, s. 3.

5.—(1) In appraising the value of mineral substances at the pit's mouth under clause 3 (7) (c) of the Act, the mine assessor shall determine the total amount of gross receipts from the output of the mine for the taxation year and deduct therefrom,

(a) except as allowed under subsection (4), the cost of transportation of the mineral product from the mine to the geographical point of transfer of title to the product to the customer and of packaging and marketing the product to the extent that such transportation, packaging or marketing costs have been paid or borne by the operator;

- (b) the cost of processing the output of the mine to the grade, sizing and form in which the product was sold or for which the market value of the product is determined under subsection (4), provided that such expenditures have not at any time in a previous taxation year been allowed as an expense or deduction under the Act or this Regulation;
- (c) that proportion of the operating and the maintenance expenses directly related to social assets in Ontario that is directly attributable to the processing in Canada of the ore or mineral output after deducting therefrom all rents, fees, grants and other payments received during the taxation year by the mine operator in connection therewith to the extent that such expenses are not deductible under clause 3 (7) (f) of the Act;
- (d) the office, administrative and general expenses of the operator attributable to the processing in Canada of the ore or mineral output;
- (e) the expenses incurred in respect of scientific research conducted in Canada and related to processing in Ontario of the ore or mineral output;
- (f) an allowance for depreciation in each taxation year, on a straight line basis, of not more than 15 per cent of the capital cost to the operator as constructed of the processing assets and assets for transportation of the finished product to market from the point at which processing is completed until the full cost thereof has been written off, computed at the close of the taxation year; and
- (g) a processing allowance calculated in accordance with section 8,

and no other expenses, allowances or deductions shall be deducted or made, and the difference is the appraised value of the output of mineral substances at the pit's mouth. O. Reg. 126/75, s. 4 (1); O. Reg. 199/76, s. 1; O. Reg. 89/79, s. 4 (1-3).

(2) Notwithstanding clause (1) (f), where processing assets are situate outside of Canada or assets for transportation of the finished product are used outside of Canada, the depreciation allowed on those assets shall be prorated on the basis of the amount of the ore or mineral output of a mine located in Ontario that is processed or the amount of finished product derived from ore or mineral output of a mine located in Ontario that is transported by those assets. O. Reg. 89/79, s. 4 (4).

(3) Notwithstanding clause (1) (f), no allowance for depreciation on any asset that is a social asset shall be

deducted under subsection (1). O. Reg. 89/79, s. 4 (5).

(4) Where the operator or the person liable to pay the tax so elects, the product of an iron ore mine shall be deemed to have been sold when fed into a processing plant, and the gross receipts shall be determined on the basis of the lower Great Lakes ports price, as established in the trade press, less transportation costs from the mine, to the extent that such price is representative of actual sales of iron product.

(5) Subject to subsection (4), where the mineral substances are not sold at arm's length, the mine assessor may take into consideration the fair market value in appraising the value of the mineral substances at the pit's mouth. O. Reg. 126/75, s. 4 (2, 3).

(6) The undepreciated capital cost of processing assets at any time is the amount by which the aggregate of,

- (a) the capital cost of each processing asset acquired before that time; and
- (b) all amounts included by reason of subsection (7) in appraising the value of mineral substances under subsection (1),

exceeds the aggregate of,

- (c) the total depreciation allowed under subsection (1) for processing assets before that time; and
- (d) for each disposition before that time of any processing asset, the lesser of,
 - (i) the proceeds of the disposition, and
 - (ii) the capital cost to the operator of the processing asset or part thereof.

(7) Where at the end of any taxation year, the aggregate of all amounts determined under clauses (6) (c) and (d) exceeds the aggregate of all amounts determined under clauses 6 (a) and (b), the excess shall be included in appraising the value of mineral substances under subsection (1).

(8) Where any processing asset was not acquired or disposed of at arm's length and the Minister considers it necessary or advisable, he may determine in accordance with section 7 the capital cost and the proceeds of disposition of the processing asset for the purposes of this section.

(9) For the purposes of this section and section 7, the rules determining "at arm's length" in

section 251 of the *Income Tax Act* (Canada) apply with necessary modifications. O. Reg. 89/79, s. 4 (6).

(10) Where 80 per cent or more of the value of the input to a processing plant or plants located in Ontario is from ores mined in Ontario, or outside Canada, the operator or person liable to pay the tax who owns and operates the processing plant or plants may be entitled, in appraising the value of mineral substances at the pit's mouth, to the allowances and costs permitted by clauses (1) (a) to (f) and section 8.

(11) Where less than 80 per cent of the value of the input to a processing plant or plants located in Ontario is from ores mined in Ontario, or outside Canada, the operator or person liable to pay the tax who owns and operates the processing plant or plants may be entitled, in appraising the value of mineral substances at the pit's mouth, to allowances and costs permitted by clauses (1) (a) to (f) and section 8 in the proportion to the value that the input of ores mined in Ontario or outside Canada bears to the value of the input of ores to the processing plant or plants.

(12) Where the processing plant is located in Canada outside Ontario, the allowances and costs permitted under clauses (1) (a) to (f) and section 8 shall be reduced by the portion that the value of the input of custom processed ores mined in Ontario and ores mined outside Ontario, whether company owned or custom processed, bears to the value of the total input to the processing plant. O. Reg. 126/75, s. 4 (6-8).

6.—(1) Notwithstanding clause 5 (1) (b), where mineral substances are transported outside Canada by the operator or other person liable for the tax imposed under the Act and are subsequently processed outside Canada by or on behalf of such operator or other person, no deduction shall be made for the cost of processing outside of Canada to such operator or other person the proportion of the output of the mine that is attributable to a specified uranium undertaking in respect of a taxation year ending after the 9th day of April, 1979.

(2) Notwithstanding clause 5 (1) (c), no deduction shall be made under that clause for the proportion of expenses that is attributable to a specified uranium undertaking.

(3) No deduction shall be made under clause 5 (1) (f) for depreciation on the proportion of capital costs as constructed of processing assets not situate in Canada and assets for transportation of finished product to market from the point at which processing is completed that is attributable to the operation of a specified uranium undertaking.

(4) Notwithstanding clause 5 (1) (f), a deduction under that clause for depreciation in each taxation year, on a straight line basis, shall be not less than 5 per cent and not more than 15 per cent of the proportion of capital cost as constructed of the processing assets situate in Canada and assets for transportation

of the finished product to market from the point at which processing is completed that is attributable to the operation of a specified uranium undertaking, until the full cost thereof has been written off, computed at the close of a taxation year.

(5) Subsection 8 (6) does not apply to that proportion of processing allowance that is attributable to the processing of the output of a specified uranium undertaking. O. Reg. 89/79, s. 5, *part*.

7.—(1) For the purposes of this section, "depreciated asset" means an asset in respect of which an allowance for depreciation has been deducted under the Act or this Regulation.

(2) Where a depreciated asset owned by an operator is transferred by one or more transactions between persons not dealing at arm's length to another operator for an amount in excess of the capital cost to the transferor,

- (a) the transferor shall be deemed to have disposed of the depreciated asset for proceeds of disposition; and
- (b) the transferee shall be deemed to have acquired the depreciated asset at a capital cost,

equal to the actual proceeds of disposition or the capital cost to the transferor, whichever is the lesser.

(3) Where a depreciated asset owned by an operator is transferred by one or more transactions between persons not dealing at arm's length to another operator for no proceeds or for proceeds less than or equal to the capital cost to the transferor,

- (a) the transferor shall be deemed to have disposed of the depreciated asset for proceeds of disposition; and
- (b) the transferee shall be deemed to have acquired the depreciated asset at a capital cost,

equal to the actual proceeds of disposition. O. Reg. 89/79, s. 5, *part*.

8.—(1) The processing allowance under clause 5 (1) (g) shall be determined as follows:

1. Where the operator or person liable to pay the tax owns and operates a concentrator or concentrators situate in Canada but does not operate a smelter or refinery, the processing allowance shall be calculated at 8 per cent of the capital cost to the operator as constructed of the processing assets.
2. Where the operator or person liable to pay the tax owns and operates a con-

centrator or concentrators and a smelter or smelters situate in Canada but does not operate a refinery in Canada, the processing allowance shall be calculated at 16 per cent of the capital cost to the operator as constructed of the processing assets.

3. Where the operator or person liable to pay the tax owns and operates a concentrator or concentrators, a smelter or smelters and a refinery or refineries situate in Canada, the processing allowance shall be calculated at the rate of 20 per cent of the capital cost to the operator as constructed of the processing assets.
4. Where the operator or person liable to pay the tax owns and operates a concentrator or concentrators, a smelter or smelters and a refinery or refineries situate in Northern Ontario, the processing allowance shall be calculated at the rate of 25 per cent of the capital cost to the operator as constructed of the processing assets, provided that the processing allowance under this paragraph shall not be in addition to the processing allowance under paragraph 4.
5. Where the operator or person liable to pay the tax owns and operates a concentrator or concentrators, a smelter or smelters, a refinery or refineries and a semi-fabricating plant or plants situate in Northern Ontario, provided that a significant proportion of the input to a semi-fabricating plant originates from a mine situate in Ontario owned by and operated by the person liable to pay the tax, the processing allowance shall be calculated at 30 per cent of the capital cost to the operator as constructed of the processing assets, provided that the processing allowance for a concentrator, smelter or refinery under this paragraph shall not be in addition to the processing allowance under paragraph 4. O. Reg. 126/75, s. 5 (1); O. Reg. 545/79, s. 1.

(2) Where at any stage prior to the final stage of processing in Canada undertaken by the operator or person liable to pay the tax, a portion of the output of a processing plant located in Canada leaves a stage of processing without proceeding to the next stage of processing in Canada, the processing allowance at each stage shall be reduced by the proportion that the value of the output that has left a stage of processing bears to the total value of the output of the processing plant at that stage.

(3) The processing allowance shall apply to processing assets as constructed only to the extent that they remain in use after construction, provided that where processing assets are not fully completed within eight years from the date of commence-

ment of construction, the processing allowance shall be suspended for those processing assets.

(4) Where the processing allowance is claimed on assets as constructed but not in use the taxpayer shall support such claim by furnishing the mine assessor with a progress report showing work done and moneys expended on the asset during the taxation year. O. Reg. 126/75, s. 5 (2-4).

(5) In any taxation year the processing allowance calculated under this section shall be not less than 15 per cent nor more than 65 per cent of the combined profit. O. Reg. 126/75, s. 5 (5); O. Reg. 89/79, s. 6 (1).

(6) For taxation years ending on or after the 31st day of December, 1978, where a processing allowance calculated under this section is less than 65 per cent of the combined profit for the current taxation year, processing allowance not previously claimed by reason of the upper limit imposed by subsection (5), in the three taxation years immediately preceding, may be allowed under clause 5 (1) (g), provided that the processing allowance deductible in the current taxation year is first fully deducted. O. Reg. 89/79, s. 6 (2).

(7) Notwithstanding the provisions of subsection (5), the Lieutenant Governor in Council may increase the 65 per cent rate referred to in subsection (5) where a semi-fabricating plant is constructed in Northern Ontario. O. Reg. 126/75, s. 5 (6).

9.—(1) Subject to subsection (3), the return required by section 7 of the Act shall be in the Form provided by the mine assessor. O. Reg. 126/75, s. 6 (1).

(2) Subject to subsection (3), where a mine is entitled to disaggregation under subsection 3 (3) of the Act or is entitled to be treated as a new mine or a major expansion of an existing mine under subclause 3 (7) (i) (iii) of the Act, the profit shall be apportioned amongst all mines operated by the same person or associated persons in proportion to the value of the recoverable mineral content of ore mined during the taxation year, but the mine assessor may use any other method that is appropriate. O. Reg. 89/79, s. 7.

(3) The return provided for under subsection (1) shall contain a separate part for computation of the profit of the mine in the case of an iron ore mine governed by subsection 5 (4).

(4) A Form provided by the mine assessor shall be completed in full and shall accompany the remittance of the estimated tax required by subsection 2 (1) of the Act. O. Reg. 126/75, s. 6 (3, 4).

10. The rate of interest payable under,

(a) subsection 18 (1) of the Act is 12 per cent per annum; and

(b) subsection 18 (3) of the Act,

(i) where the amount of tax paid is more than the amount shown on the

notice of assessment issued under subsection 8 (1) of the Act, is 5 per cent per annum, and

(ii) where the amount of tax paid is more than the amount finally determined when an appeal is taken under section 10 of the Act, is 8 per cent per annum. O. Reg. 126/75, s. 7.

REGULATION 640

under the Ministry of Colleges and Universities Act

COLLEGES OF APPLIED ARTS AND TECHNOLOGY—BOARDS OF GOVERNORS AND COUNCIL OF REGENTS

1. In this Regulation,

- (a) “college” means a college of applied arts and technology that offers programs of instruction in one or more fields of vocational, technological, general and recreational education and training in day or evening courses and for full-time or part-time students;
- (b) “Council of Regents” means the Ontario Council of Regents for Colleges of Applied Arts and Technology;
- (c) “municipality” means a city, town, village or township. R.R.O. 1970, Reg. 169, s. 1.

2.—(1) The members of the Council of Regents except the chairman, shall be paid the actual amounts spent in travelling and living expenses while engaged in business of the Council of Regents.

(2) The chairman of the Council of Regents shall be paid a travelling allowance or his actual expenses incurred in the business of the Council. R.R.O. 1970, Reg. 169, s. 2 (1, 2).

(3) In addition to the payment under subsection (1), there shall be paid to each member of the Council of Regents except the chairman, for each day that he attends a meeting in respect of the business of the Council of Regents, a per diem allowance of \$105. O. Reg. 22/75, s. 1.

3.—(1) A board of governors for a college shall be composed of twelve members, seven of whom, excluding the *ex officio* member referred to in subsection (10), constitute a quorum.

(2) Where a college has been established in an area that comprises one municipality, or part of a municipality,

- (a) the municipal council shall appoint four members to the board of governors, one of whom shall retire each year, the order of retirement to be determined by the municipal council; and
- (b) the Council of Regents shall appoint eight members to the board of governors, two of whom shall retire each year, the order of retirement to be determined by the Council of Regents.

(3) Where a college has been established in an area that comprises two or more municipalities, or parts of municipalities, the board of governors shall be established on a formula that is provided by the Council of Regents and that is suitable to the municipal structure of the area. R.R.O. 1970, Reg. 169, s. 3 (1-3).

(4) A member appointed under clause (2) (a) or (b) is eligible for reappointment so long as he does not serve continuously on the board of governors for more than eight years, but on the expiration of two years after having served continuously for eight years a person may again be eligible for appointment to the board of governors. O. Reg. 860/76, s. 1.

(5) Where a vacancy occurs in the membership of a board of governors, the vacancy shall be filled, in the case of,

- (a) a member appointed by a municipal council, by the municipal council; and
- (b) a member appointed by the Council of Regents, by the Council of Regents.

(6) The first members of a board of governors shall take office upon their appointment, and thereafter members of a board of governors shall be appointed at the last regular meeting in a year of,

- (a) in the case of a member appointed by a municipal council, the municipal council; and
- (b) in the case of a member appointed by the Council of Regents, the Council of Regents,

and shall take office on the 1st day of January in the year following their appointment. R.R.O. 1970, Reg. 169, s. 3 (5, 6).

(7) Notwithstanding subsection (6), where the Council of Regents does not appoint at its last regular meeting in a year, one or more of the members that it is required to appoint at that meeting, the members whose term of office would otherwise expire on the 31st day of December shall remain in office until their successors are appointed and take office, and the Council of Regents shall appoint their successors and determine the date upon which such appointments are to take effect at its next regular meeting thereafter except where the Minister requires that a special meeting of the Council of Regents be held for such purpose. O. Reg. 30/72, s. 1.

(8) The first meeting of a board of governors shall be held at such time and at such place as the Council of Regents determines and subsequent meetings shall be held at least once a month at such times and at such places as the board of governors determines.

(9) A board of governors shall elect annually from among its members a chairman and a vice-chairman who shall be eligible for reappointment.

(10) A director of a college shall be an *ex officio* member of the board of governors.

(11) The board of governor shall appoint a secretary-treasurer.

(12) Minutes of each meeting and such other records as are required by a board of governors or by the Council of Regents shall be kept by the secretary-treasurer. R.R.O. 1970, Reg. 169, s. 3 (7-11).

4.—(1) Upon assuming office a board of governors shall make a study of the post-secondary and adult education needs of the area for which the college has been established and shall, as soon as possible after the first meeting of the board of governors, submit for approval to the Council of Regents a report containing specific recommendations concerning the proposed educational program.

(2) The Council of Regents shall consider the recommendations contained in the report referred to in subsection (1) and,

- (a) where the Council of Regents considers it necessary, may modify or otherwise alter the recommendations; and
- (b) shall submit the recommendations, or the recommendations as modified or otherwise altered, to the Minister for his approval.

(3) Where the Minister approves the recommendations, or the recommendations as modified or otherwise altered, the board of governors shall employ an architect.

(4) The architect employed by the board of governors shall,

- (a) prepare sketch plans of the college based upon the approved recommendations; and
- (b) estimate the cost of the construction of the college.

(5) The sketch plans and the estimate of costs of construction shall be submitted by the board of governors for approval to the Minister.

(6) Where the sketch plans are approved under subsection (5), the board of governors shall cause the architect to prepare final plans and specifications for construction of the college and shall submit the final

plans and specifications to the Minister for his approval.

(7) Where the Minister approves the final plans and specifications referred to in subsection (6), the board of governors shall call for tenders for construction and, subject to the approval of the Minister, shall award the contract to the person who offers the lowest tender. R.R.O. 1970, Reg. 169, s. 4.

5. Subject to the approval of the Minister upon the recommendation of the Council of Regents, the board of governors shall select the site, or sites, of the college. R.R.O. 1970, Reg. 169, s. 5.

6.—(1) A board of governors shall appoint,

- (a) a director of the college;
- (b) a principal for each division of the college; and
- (c) a registrar and a bursar and such other administrative, teaching and non-teaching personnel as are necessary,

at the salary and wage rates and according to the terms and conditions established by the Council of Regents and approved by the Minister. R.R.O. 1970, Reg. 169, s. 6 (1).

(2) A board of governors shall, no later than a date specified by the Council of Regents, submit to the Council of Regents for the approval of the Minister, a multi-year plan containing such data and in such format as the Council of Regents may require. O. Reg. 860/76, s. 2.

(3) The multi-year plan referred to in subsection (2) shall include an estimate of the operating and capital cost of the board of governors for its next ensuing fiscal year and such estimate shall include any estimated surplus or deficit in respect of its current fiscal year. O. Reg. 506/72, s. 1, *part*.

(4) A board of governors shall have printed annually publications of programs of instruction and admission requirements and fees, approved by the Minister upon the recommendation of the Council of Regents.

(5) A board of governors shall appoint an auditor and, not later than the 30th day of June in each year, submit to the Minister an audited financial statement for the preceding fiscal year. R.R.O. 1970, Reg. 169, s. 6 (4, 5).

7.—(1) A board of governors may, at any time, recommend the introduction of new educational programs at the college to the Council of Regents.

(2) The Council of Regents shall consider the recommendation and,

- (a) where the Council of Regents considers it necessary, may modify or otherwise alter the recommendation; and

(b) shall submit the recommendation, or the recommendation as modified or otherwise altered, to the Minister for his approval.

(3) Where the Minister approves the recommendation, or the recommendation as modified or otherwise altered, the board of governors shall include the new educational program or the educational program as modified or otherwise altered, in the programs of instruction at the college. R.R.O. 1970, Reg. 169, s. 7.

8. Except for programs of instruction conducted under subsection 5 (5) of the Act, programs of instruction leading to a certificate or diploma shall be approved by the Minister. R.R.O. 1970, Reg. 169, s. 8.

9.—(1) An advisory committee for each branch of a program of instruction offered at a college shall be composed of members appointed by the board of governors for the college.

(2) An advisory committee shall advise the board of governors and make recommendations to the board of governors regarding programs of instruction and the introduction of new programs of instruction. R.R.O. 1970, Reg. 169, s. 9.

10.—(1) Subject to the conditions outlined in the publications of the board of governors, referred to in subsection 6 (4), any person who is the holder,

(a) of an Ontario Secondary School graduation diploma obtained at the end of Grade 12 from any Branch or Program; or

(b) of the Ontario Secondary School honour graduation diploma obtained upon completion of Grade 13,

shall be admitted to an appropriate program of instruction upon payment of the fee required.

(2) Subject to the conditions outlined in the publications of the board of governors referred to in subsection 6 (4), any person who has attained the age of nineteen years on or before the date of commencement of the program of instruction in which he plans to enrol shall be admitted to an appropriate program of instruction, upon payment of the fee required. R.R.O. 1970, Reg. 169, s. 10.

11. A board of governors may approve allowances for travelling on college business by members of the board of governors, the advisory committees, and members of the administrative, teaching and non-teaching personnel of the college, and provision therefor shall be made in the annual budget. R.R.O. 1970, Reg. 169, s. 11.

12. Except for programs of instruction conducted under subsection 5 (5) of the Act, the Minister shall establish certificates and diplomas of standing and shall award such certificates and diplomas upon the recommendation of the board of governors and the Council of Regents and, where no certificates or diplomas are established for programs of instruction, the board of governors may issue certificates of standing. O. Reg. 860/76, s. 3.

REGULATION 641

under the Ministry of Colleges and Universities Act

COLLEGES OF APPLIED ARTS AND TECHNOLOGY—COLLEGES

THE ALGONQUIN COLLEGE OF APPLIED ARTS AND TECHNOLOGY

1. The college of applied arts and technology known as “The Algonquin College of Applied Arts and Technology” is continued for the area comprised of all the municipalities, including any cities or separated towns, within the counties of Renfrew, Lanark, Russell and Prescott and The Regional Municipality of Ottawa-Carleton, and the board of governors of the college shall be known as “The Board of Governors of The Algonquin College of Applied Arts and Technology”. R.R.O. 1970, Reg. 170, s. 1.

THE CAMBRIAN COLLEGE OF APPLIED ARTS AND TECHNOLOGY

2. The college of applied arts and technology known as “The Cambrian College of Applied Arts and Technology” is continued for the area comprised of all the municipalities, including any cities or separated towns, within the territorial districts of Manitoulin and Sudbury, and the board of governors of the college shall be known as “The Board of Governors of The Cambrian College of Applied Arts and Technology”. R.R.O. 1970, Reg. 171, s. 1; O. Reg. 519/72, s. 1; O. Reg. 566/72, s. 1.

THE CANADORE COLLEGE OF APPLIED ARTS AND TECHNOLOGY

3. The college of applied arts and technology known as “The Canadore College of Applied Arts and Technology” is continued for the area comprised of the Territorial District of Nipissing, and the board of governors of the college shall be known as “The Board of Governors of The Canadore College of Applied Arts and Technology”. O. Reg. 518/72, s. 1, *revised*.

THE CENTENNIAL COLLEGE OF APPLIED ARTS AND TECHNOLOGY

4. The college of applied arts and technology known as “The Centennial College of Applied Arts and Technology” is continued for the area comprised of the boroughs of Scarborough and East York in The Municipality of Metropolitan Toronto, and the board of governors of the college shall be known as “The Board of Governors of The Centennial College of Applied Arts and Technology”. R.R.O. 1970, Reg. 172, s. 1, *revised*.

THE CONESTOGA COLLEGE OF APPLIED ARTS AND TECHNOLOGY

5. The college of applied arts and technology known as “The Conestoga College of Applied Arts and Technology” is continued for the area comprised of all the municipalities, including any cities or separated towns, within the counties of Huron, Perth and Wellington and The Regional Municipality of Waterloo, and the board of governors of the college shall be known as “The Board of Governors of The Conestoga College of Applied Arts and Technology”. R.R.O. 1970, Reg. 173, s. 1, *revised*.

THE CONFEDERATION COLLEGE OF APPLIED ARTS AND TECHNOLOGY

6. The college of applied arts and technology known as “The Confederation College of Applied Arts and Technology” is continued for the area comprised of all the municipalities, including any cities or separated towns, within the territorial districts of Kenora, Rainy River and Thunder Bay, and the board of governors of the college shall be known as “The Board of Governors of The Confederation College of Applied Arts and Technology”. R.R.O. 1970, Reg. 174, s. 1.

THE DURHAM COLLEGE OF APPLIED ARTS AND TECHNOLOGY

7. The college of applied arts and technology as “The Durham College of Applied Arts and Technology” is continued for the area comprised of all the municipalities, including any cities or separated towns, within The Regional Municipality of Durham, and the board of governors of the college shall be known as “The Board of Governors of The Durham College of Applied Arts and Technology”. R.R.O. 1970, Reg. 175, s. 1, *revised*.

THE FANSHAWE COLLEGE OF APPLIED ARTS AND TECHNOLOGY

8. The college of applied arts and technology known as "The Fanshawe College of Applied Arts and Technology" is continued for the area comprised of all the municipalities, including any cities or separated towns, within the counties of Middlesex, Elgin and Oxford and that part of The Regional Municipality of Haldimand-Norfolk that was formerly the County of Norfolk, and the board of governors of the college shall be known as "The Board of Governors of The Fanshawe College of Applied Arts and Technology". R.R.O. 1970, Reg. 176, s. 1.

THE GEORGE BROWN COLLEGE OF APPLIED ARTS AND TECHNOLOGY

9. The college of applied arts and technology known as "The George Brown College of Applied Arts and Technology" is continued for the area comprised of the City of Toronto, and the board of governors of the college shall be known as "The Board of Governors of The George Brown College of Applied Arts and Technology". R.R.O. 1970, Reg. 177, s. 1.

THE GEORGIAN COLLEGE OF APPLIED ARTS AND TECHNOLOGY

10. The college of applied arts and technology known as "The Georgian College of Applied Arts and Technology" is continued for the area comprised of all the municipalities, including any cities or separated towns, within the counties of Bruce, Grey, Dufferin and Simcoe, the District Municipality of Muskoka and the Territorial District of Parry Sound and the board of governors of the college shall be known as "The Board of Governors of The Georgian College of Applied Arts and Technology". R.R.O. 1970, Reg. 178, s. 1.

THE HUMBER COLLEGE OF APPLIED ARTS AND TECHNOLOGY

11. The college of applied arts and technology known as "The Humber College of Applied Arts and Technology" is continued for the area comprised of the boroughs of Etobicoke and York in The Municipality of Metropolitan Toronto, and the board of governors of the college shall be known as "The Board of Governors of The Humber College of Applied Arts and Technology". R.R.O. 1970, Reg. 179, s. 1.

THE LAMBTON COLLEGE OF APPLIED ARTS AND TECHNOLOGY

12. The college of applied arts and technology known as "The Lambton College of Applied Arts and Technology" is continued for the area comprised of all the municipalities, including any cities or separated towns, within the County of Lambton, and the board of governors of the college shall be known as "The Board of Governors of the Lambton College of Applied Arts and Technology". R.R.O. 1970, Reg. 180, s. 1.

THE LOYALIST COLLEGE OF APPLIED ARTS AND TECHNOLOGY

13. The college of applied arts and technology known as "The Loyalist College of Applied Arts and Technology" is continued for the area comprised of all the municipalities, including any cities or separated towns, within the counties of Lennox and Addington, Prince Edward, Hastings, and Northumberland except the Town of Cobourg and the townships of Hamilton and South Monaghan, and the board of governors of the college shall be known as "The Board of Governors of The Loyalist College of Applied Arts and Technology". R.R.O. 1970, Reg. 181, s. 1.

THE MOHAWK COLLEGE OF APPLIED ARTS AND TECHNOLOGY

14. The college of applied arts and technology known as "The Mohawk College of Applied Arts and Technology" is continued for the area comprised of all the municipalities, including any cities or separated towns, within the County of Brant, that part of The Regional Municipality of Haldimand-Norfolk that was formerly the townships of North Cayuga, Oneida, Rainham, Seneca and Walpole in the County of Haldimand, that part of The Regional Municipality of Niagara that was formerly the townships of Caistor, North Grimsby and South Grimsby in the County of Lincoln and The Regional Municipality of Hamilton-Wentworth and any urban municipalities within the boundaries of such part, and the board of governors of the college shall be known as "The Board of Governors of The Mohawk College of Applied Arts and Technology". R.R.O. 1970, Reg. 182, s. 1, *revised*.

THE NIAGARA COLLEGE OF APPLIED ARTS AND TECHNOLOGY

15. The college of applied arts and technology known as "The Niagara College of Applied Arts and Technology" is continued for the area comprised of all the municipalities, including any cities or separated towns, within that part of The Regional Municipality of Niagara that was formerly the County of Welland, and that part of the said regional municipality that was formerly the townships of Clinton, Grantham, Gainsborough, Louth

and Niagara in the County of Lincoln and any urban municipalities within the boundaries of such part, and that part of The Regional Municipality of Haldimand-Norfolk that was formerly the townships of Moulton, Sherbrooke, Dunn, Canborough and South Cayuga in the County of Haldimand and any urban municipalities within the boundaries of those townships, and the board of governors of the college shall be known as "The Board of Governors of The Niagara College of Applied Arts and Technology". R.R.O. 1970, Reg. 183, s. 1, *revised*.

THE NORTHERN COLLEGE OF APPLIED ARTS AND TECHNOLOGY

16. The college of applied arts and technology known as "The Northern College of Applied Arts and Technology" is continued for the area comprised of all the municipalities, including any cities or separated towns, within the territorial districts of Cochrane and Timiskaming, and the board of governors of the college shall be known as "The Board of Governors of The Northern College of Applied Arts and Technology". R.R.O. 1970, Reg. 184, s. 1.

THE ST. CLAIR COLLEGE OF APPLIED ARTS AND TECHNOLOGY

17. The college of applied arts and technology known as "The St. Clair College of Applied Arts and Technology" is continued for the area comprised of all the municipalities, including any cities or separated towns, within the counties of Essex and Kent, and the board of governors of the college shall be known as "The Board of Governors of The St. Clair College of Applied Arts and Technology". R.R.O. 1970, Reg. 185, s. 1.

THE ST. LAWRENCE COLLEGE OF APPLIED ARTS AND TECHNOLOGY

18. The college of applied arts and technology known as "The St. Lawrence College of Applied Arts and Technology" is continued for the area comprised of all the municipalities, including any cities or separated towns, within the counties of Frontenac, Leeds, Grenville, Dundas, Stormont and Glengarry, and the board of governors of the college shall be known as "The Board of Governors of The St. Lawrence College of Applied Arts and Technology". R.R.O. 1970, Reg. 186, s. 1.

THE SAULT COLLEGE OF APPLIED ARTS AND TECHNOLOGY

19. The college of applied arts and technology known as "The Sault College of Applied Arts and Technology" is continued for the area comprised of the Territorial District of Algoma, and the board of governors of the college shall be known as "The Board of Governors of The Sault College of Applied Arts and Technology". O. Reg. 565/72, s. 1, *revised*.

THE SHERIDAN COLLEGE OF APPLIED ARTS AND TECHNOLOGY

20. The college of applied arts and technology known as "The Sheridan College of Applied Arts and Technology" is continued for the area comprised of all the municipalities, including any cities or separated towns, within that part of The Regional Municipality of Peel that was formerly the County of Peel and that part of The Regional Municipality of Halton that was formerly the County of Halton, and the board of governors of the college shall be known as "The Board of Governors of The Sheridan College of Applied Arts and Technology". R.R.O. 1970, Reg. 188, s. 1, *revised*.

THE SENECA COLLEGE OF APPLIED ARTS AND TECHNOLOGY

21. The college of applied arts and technology known as "The Seneca College of Applied Arts and Technology" is continued for the area comprised of the City of North York and all the municipalities within The Regional Municipality of York, and the board of governors of the college shall be known as "The Board of Governors of The Seneca College of Applied Arts and Technology". R.R.O. 1970, Reg. 187, s. 1, *revised*.

THE SIR SANDFORD FLEMING COLLEGE OF APPLIED ARTS AND TECHNOLOGY

22. The college of applied arts and technology known as "The Sir Sandford Fleming College of Applied Arts and Technology" is continued for the area comprised of all the municipalities, including any cities or separated towns, within the counties of Victoria and Peterborough and the Provisional County of Haliburton, and the Town of Cobourg and the townships of Hamilton and South Monaghan in the County of Northumberland, and the board of governors of the college shall be known as "The Board of Governors of The Sir Sandford Fleming College of Applied Arts and Technology". R.R.O. 1970, Reg. 189, s. 1.

REGULATION 642

under the Ministry of Colleges and Universities Act

GRADUATE SCHOLARSHIPS

PART I

INTERPRETATION

1. In this Regulation,

(a) "applicant" means a person who was, on the 3rd day of December, 1979,

(i) a Canadian citizen,

(ii) a person who had resided in Canada as a landed immigrant for at least twelve consecutive months,

(iii) a person who had resided in Canada as a landed immigrant for less than twelve consecutive months, or

(iv) lawfully admitted to Canada as a visitor with student authorization under paragraph 10 (a) or (b) of the *Immigration Act, 1976* (Canada),

and who applies under Part II or Part III for an award;

(b) "award" means a graduate scholarship award made under this Regulation;

(c) "eligible institution" means a university financially assisted by the Province of Ontario;

(d) "landed immigrant" means a person who is a permanent resident within the meaning of the *Immigration Act, 1976* (Canada);

(e) "nominating institution" means one of the following eligible institutions,

(i) Brock University,

(ii) Lakehead University,

(iii) Laurentian University,

(iv) Trent University,

(v) Wilfrid Laurier University;

(f) "Selection Board" means an advisory committee appointed by the Lieutenant Governor in Council under subsection 3 (3) of the Act to advise the Minister concerning the granting of an award;

(g) "term" means a period of graduate study at an eligible institution of not less than twelve weeks duration. O. Reg. 150/77, s. 1; O. Reg. 154/78, s. 1; O. Reg. 202/79, s. 1 (1, 2); O. Reg. 537/80, s. 1.

PART II

OPEN SCHOLARSHIPS

2.—(1) An application for an award under this Part shall be made in such form as the Minister may determine together with such other information and material as the Minister may require and shall be filed with the Minister on or before the 3rd day of December, 1979. O. Reg. 537/80, s. 2.

(2) The Minister shall refer an application received under subsection (1) to the Selection Board for a report.

(3) The Selection Board shall consider the application referred to in subsection (2) and shall make a report to the Minister setting out its recommendations as to the granting of an award. O. Reg. 150/77, s. 2 (2, 3).

(4) Subject to subsection 5 (7), after considering the report of the Selection Board under subsection (3), the Minister may grant awards annually to not more than 1,155 applicants and his decision is final. O. Reg. 154/78, s. 2, *part*.

3.—(1) The Minister shall notify each applicant on or about the 1st day of April as to whether the applicant has been granted an award or has been refused an award for that year.

(2) Where an applicant has been granted an award, the notice under subsection (1) shall contain,

(a) a certificate of acceptance in such form as the Minister may determine; and

(b) a statement that the certificate of acceptance must be executed by the applicant and filed with the Minister within three weeks of the date shown on the notice or the award will be cancelled.

(3) Where the certificate of acceptance is not executed and filed within the three-week period referred to under subsection (2), the Minister may cancel the award.

(4) Where the certificate of acceptance is executed and filed within the three-week period referred to under subsection (2), the Minister shall

authorize payment of the award provided that the applicant supplies proof that he is enrolled in a program of full-time graduate study leading to a masters or doctoral degree,

- (a) at an eligible institution; or
- (b) in theology at a theological college in the Province of Ontario that is affiliated or federated with an eligible institution and has a degree of Bachelor of Theology, Bachelor of Divinity or a Master of Divinity or the equivalent as determined by the Minister. O. Reg. 150/77, s. 3.

PART III

INSTITUTION SCHOLARSHIPS

4.—(1) Subject to section 8, an applicant may make application for an award where the applicant,

- (a) is enrolled in a nominating institution; or
- (b) has indicated to the satisfaction of the nominating institution that he intends to enroll in such nominating institution,

in a program of full-time graduate study leading to a masters or doctoral degree.

(2) An application for an award under this Part shall be in such form as the Minister may determine and filed with the nominating institution in which the applicant is enrolled or intends to enroll, as the case may be, together with a signed acknowledgment by the applicant that he will not apply for an award under Part II.

(3) A nominating institution shall select from among the applications received under subsection (2), applicants for awards under this part. O. Reg. 150/77, s. 4 (1-3).

(4) A nominating institution shall on or before the 16th day of January in the year in respect of which the award is applied for, file with the Minister a list of not more than nine applicants selected under subsection (3) together with their application forms and such other material as the Minister may require. O. Reg. 154/78, s. 3.

(5) The Minister shall refer an application received under subsection (4) to the Selection Board for a report.

(6) The Selection Board shall consider the application referred to in subsection (5) and make a report to the Minister setting out its recommendations as to the granting of an award.

(7) After considering the report of the Selection Board under subsection (6), the Minister may grant awards annually to not more than nine applicants pro-

posed by each nominating institution and his decision is final. O. Reg. 150/77, s. 4 (5-7).

5.—(1) The Minister shall notify each applicant and the nominating institution which proposed the applicant on or before the 1st day of April as to whether the applicant has been granted an award or has been refused an award for that year.

(2) Where an applicant has been granted an award, the notice to the applicant under subsection (1) shall contain,

- (a) a certificate of acceptance in such form as the Minister may determine; and
- (b) a statement that the certificate of acceptance must be executed by the applicant and filed with the Minister within three weeks of the date shown on the notice or the award will be cancelled.

(3) Where the certificate of acceptance is not executed and filed within the three-week period referred to under subsection (2), the Minister may cancel the award. O. Reg. 150/77, s. 5 (1-3).

(4) Where the Minister cancels an award under subsection (3) or where an applicant notifies the nominating institution which proposed such applicant that he is no longer an applicant, the nominating institution may on or before the 1st day of August, 1980, file with the Minister the name of another applicant selected under subsection 4 (3) together with his application form and such other material as the Minister may require and subsections 4 (5), (6) and (7) shall apply with necessary modifications to such application. O. Reg. 537/80, s. 3.

(5) Where the certificate of acceptance is executed and filed within the three-week period referred to under subsection (2), the Minister shall authorize payment of the award provided that the applicant supplies proof that he is enrolled in a program of full-time graduate study leading to a masters or doctoral degree,

- (a) at the nominating institution that proposed the applicant; or
- (b) in theology at a theological college in the Province of Ontario which is affiliated or federated with the nominating institution that proposed the applicant and has a degree of Bachelor of Theology, Bachelor of Divinity or a Master of Divinity or the equivalent as determined by the Minister.

(6) An award granted by the Minister under this Part is conditional upon the applicant being enrolled in a program of full-time graduate study at the nominating institution that proposed the applicant.

(7) If in any year the number of awards granted by the Minister under this Part is less than the number of awards allowable hereunder, the number of awards that may be granted in such year by the Minister under Part II may be increased by that number which when added to the number of awards granted by the Minister under this Part would total the number of awards allowable hereunder. O. Reg. 150/77, s. 5 (5-7).

PART IV

AWARDS

6.—(1) The amount of an award under Part II or Part III shall not exceed \$1,630 per term.

(2) An award may be made for either two or three consecutive terms commencing May, 1980, September, 1980 or January, 1981, but shall not be made for only one term. O. Reg. 537/80, s. 4.

(3) An award is not automatically renewable and an applicant shall apply each year for a new award.

(4) An applicant may receive a maximum of four awards.

(5) An award received by an applicant under the following programs shall be deemed to be an award received under subsection (4),

- (a) the Ontario Graduate Fellowship Program;
- (b) a Social Sciences and Humanities Research Council (formerly Canada Council) Program;
- (c) a Natural Sciences and Engineering Research Council (formerly National Research Council) Program; and
- (d) a Medical Research Council Program. O. Reg. 202/79, s. 4, *part*.

7.—(1) An applicant may hold other scholarships or grants in addition to an award under this Regulation provided that the total amount of such scholarships or grants does not exceed the sum of \$1,000.

(2) An applicant may accept the position of research assistant, part-time teacher or a demonstrating appointment provided that the total time spent in such work does not exceed an average of ten hours per week during the tenure of the award. O. Reg. 150/77, s. 7.

8.—(1) The number of awards granted under Part II to persons who are applicants as defined in subclauses 1 (a) (iii) and (iv) shall not exceed sixty.

(2) An applicant as defined in subclauses 1 (a) (iii) and (iv) is not eligible for an award under Part III. O. Reg. 202/79, s. 5.

9. The Selection Board may give a preference to applicants who are resident in the Province of Ontario. O. Reg. 150/77, s. 9.

PART V

REPAYMENT

10.—(1) Where an award is made to an applicant under Part II or Part III and before completing the second or third consecutive term for which the award was granted, as the case may be, the applicant,

- (a) withdraws from the eligible institution or nominating institution, as the case may be; or
- (b) ceases to be registered as a full-time graduate student in a program of full-time graduate study leading to a masters or doctoral degree,
- (i) at the eligible institution or nominating institution, as the case may be, or
- (ii) in theology at a theological college in the Province of Ontario which is affiliated or federated with an eligible institution or nominating institution, as the case may be,

the Minister may require the applicant to forthwith repay to the Treasurer of Ontario an amount equal to the full amount of the award or such lesser amount as the Minister may determine.

(2) Where an applicant withdraws from an eligible institution or nominating institution, as the case may be, under clause (1) (a), the date of his withdrawal shall be that date determined by the eligible institution or nominating institution, as the case may be, and where the applicant ceases to be registered in a program under clause (1) (b), the date of his termination of registration in a program shall be that date determined by the eligible institution or nominating institution. O. Reg. 154/78, s. 7.

PART VI

GENERAL

11.—(1) Any notice required to be given, delivered or served under this Regulation is sufficiently given, delivered or served if delivered personally or sent by prepaid mail addressed to the person to whom delivery or service is required to be made at his last known address.

(2) Where service is made by mail, the service shall be deemed to be made on the fifth day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice or order until a later date. O. Reg. 150/77, s. 11.

REGULATION 643

under the Ministry of Colleges and Universities Act

ONTARIO SPECIAL BURSARY PROGRAM

INTERPRETATION

1. In this Regulation,

(a) "applicant" means a student who applies for a bursary under this Regulation;

(b) "approved institution" means,

(i) an Ontario university, receiving financial assistance from the Province of Ontario, including any post-secondary educational institution affiliated or federated with it,

(ii) a college of applied arts and technology established under the *Ministry of Colleges and Universities Act*,

(iii) Ryerson Polytechnical Institute,

(iv) Ontario College of Art, and

(v) a private vocational school registered under the *Private Vocational Schools Act* and approved by the Minister;

(c) "approved program of study" means,

(i) a program of study at an eligible institution consisting of not more than 60 per cent of a normal fulltime course load; or

(ii) full or part-time upgrading courses approved by the Minister and offered at a college of applied arts and technology established under the *Ministry of Colleges and Universities Act*,

leading to a certificate, diploma or degree;

(d) "landed immigrant" means a person who is a permanent resident within the meaning of the *Immigration Act, 1976* (Canada);

(e) "normal full-time course load" means the number of courses in an approved program of study that an approved institution requires a student to take in any year in order to obtain a certificate, diploma or degree in a minimum length of time;

(f) "student" means a person,

(i) who is a Canadian citizen or a landed immigrant and resided in Ontario as a Canadian citizen or a landed immigrant for a period of not less than twelve consecutive months prior to the first day of the month in which classes normally commence in the approved institution for the approved program of study for which he is applying for a bursary, and

(ii) who is registered or accepted for registration at an approved institution in an approved program of study. O. Reg. 639/78, s. 1; O. Reg. 687/80, s. 1.

BURSARIES

2. An application for a bursary shall be in such form as the Minister may determine. O. Reg. 639/78, s. 2.

3. Subject to section 4, the Minister may from time to time award a bursary to an applicant if in the opinion of the Minister such bursary is necessary in order to enable the applicant to complete the approved program of study for the period for which he applied for a bursary under this Regulation. O. Reg. 639/78, s. 3.

4. A bursary awarded under section 3 shall,

(a) not exceed the sum of \$1,200 in any twelve-month period;

(b) be payable to an applicant and forwarded to the appropriate approved institution at which the applicant is enrolled and the approved institution shall withhold delivery of the bursary to the applicant until the tuition fee for the period of study for which the bursary was awarded is paid by the applicant or until arrangements acceptable to the approved institution have been made with the applicant for the payment of the tuition fee. O. Reg. 923/80, s. 1.

5. In determining the need of an applicant and for the purpose of computing the amount of the bursary that may be paid, the Minister may have regard to,

- (a) tuition and other compulsory fees paid to an approved institution;
- (b) books and instructional supplies;
- (c) local transportation to and from the applicant's residence or lodging to the campus of the approved institution;
- (d) the total income of the applicant from all sources;
- (e) income of the spouse of the applicant;
- (f) personal income tax, pension plan contributions, medical and hospital insurance payable by the applicant;
- (g) whether the applicant is employed full- or part-time or is unemployed;
- (h) the number of persons who are dependent upon the applicant for support; and
- (i) any other circumstances of the applicant in addition to those listed in clauses (a) to (h) that the Minister may determine are relevant. O. Reg. 639/78, s. 5.

6. The Minister may refuse to award a bursary to an applicant,

- (a) who has at any time defaulted in repayment of an existing student loan guaranteed by the Province of Ontario, guaranteed by any other province or territory of Canada or made under the *Canada Student Loans Act* or the Ontario Venture Capital Program;
- (b) who has been required to repay to the Treasurer of Ontario the whole or any part of a student grant made under section 3 of Regulation 646 of Revised Regulations of Ontario, 1980 or any predecessor thereof;
- (c) who owns, possesses or controls or whose spouse or parent owns, possesses or controls real or personal assets which in the opinion of the Minister constitute sufficient financial resources to meet the education costs of the applicant;
- (d) who, in the opinion of the Minister after consultation with the approved institution or institutions at which the applicant has been enrolled, has not made satisfactory progress in a program of study;
- (e) who has failed to file with the Minister all the information and documentation required by the Minister under section 2;
- (f) who has failed to file with the Minister all the information and documentation

required by the Minister to verify any statement made in the application and supporting material filed under section 2;

- (g) who is receiving financial assistance from the Government of Canada or from any other province or territory of Canada; or
- (h) who is entitled to receive student assistance from any other province or territory of Canada. O. Reg. 639/78, s. 6; O. Reg. 687/80, s. 2.

REPAYMENT

7.—(1) Where a bursary is awarded to an applicant who,

- (a) makes any false statement or misrepresentation in an application under section 2 or in any other document required by the Minister or furnishes any false or misleading information; or
- (b) expends or commits the whole or part of the bursary for purposes other than the purpose for which the bursary was awarded,

the Minister may require the applicant to repay forthwith to the Treasurer of Ontario the whole or any part of the bursary awarded the applicant.

(2) Where a bursary is made to an applicant under section 3 and due to an error or mistake the bursary is in excess in whole or in part of the amount that the applicant is eligible to receive as a bursary, the Minister may require the applicant to pay to the Treasurer of Ontario any overpayment of the bursary.

(3) Where a bursary is made to an applicant under section 3 for an approved program of study and, before completing such approved program of study, the applicant,

- (a) withdraws from the approved institution;
- (b) ceases to be registered in the approved program of study for which the bursary was awarded; or
- (c) reduces the number of courses or subjects that comprise the approved program of study for which the bursary was awarded,

the applicant forthwith shall pay to the Treasurer of Ontario an amount equal to the difference between,

- (d) the amount of the bursary made to the applicant under section 3; and
- (e) the amount of a bursary, if any, determined by the Minister which the applicant would have been eligible to receive

as a bursary under section 3 for the period prior to the date of an event referred to in clause (a), (b) or (c).

(4) The date of an event referred to in clause (3) (a), (b) or (c) shall be that date determined by the approved institution where the applicant was enrolled for the purposes of applying for a bursary. O. Reg. 639/78, s. 7.

(5) Where an applicant is required under subsection (1), (2) or (3) to repay to the Treasurer of Ontario the whole or any part of the bursary awarded and the applicant is entitled to a refund of the whole or any part of the tuition fee paid by the applicant to an approved institution, the approved institution shall make such refund payment to the Treasurer of Ontario. O. Reg. 923/80, s. 2.

REGULATION 644

under the Ministry of Colleges and Universities Act

ONTARIO STUDENT LOANS

INTERPRETATION

1.—(1) In this Regulation,

- (a) "applicant" means a student who applies for a student loan under the Act;
- (b) "approved course of studies" means a course or courses of study at an eligible institution of at least four weeks duration approved by the Minister leading to a certificate, diploma or degree;
- (c) "bank" means a chartered bank to which the *Bank Act* (Canada) applies or a credit union as defined in the *Credit Unions and Caisses Populaires Act*, that has agreed with the Minister to provide loans to students under this Act;
- (d) "borrower" means a person to whom a student loan is made;
- (e) "certificate of loan approval" means a certificate issued or caused to be issued by the Minister, or by a person authorized under subsection 1 (1) of Regulation 645 of Revised Regulations of Ontario, 1980 to an applicant eligible to receive a loan under the Act;
- (f) "education costs" means the total of the actual costs or estimated cost allowances for the following items as determined by the Minister for the period for which an applicant is requesting a loan,
 - (i) tuition and other compulsory fees payable to an eligible institution,
 - (ii) books and instructional supplies,
 - (iii) a weekly personal and living allowance,
 - (iv) local transportation to and from the applicant's residence or lodging to the campus of the eligible institution,
 - (v) a maximum of two return trips by an applicant to the applicant's permanent residence by the most reasonable means of public transportation,
 - (vi) any other expenses of the applicant in addition to those listed in subclauses

(i) to (v) that the Minister may determine are relevant;

(g) "eligible institution" means,

- (i) an Ontario University, including any post-secondary educational institution affiliated or federated with it,
- (ii) Ontario College of Art,
- (iii) a teachers' college established under the *Education Act*,
- (iv) Ryerson Polytechnical Institute,
- (v) a college of applied arts and technology established under the *Ministry of Colleges and Universities Act*,
- (vi) a college of agricultural technology established under the *Ministry of Agriculture and Food Act*,
- (vii) Regis College,
- (viii) Dominican College of Philosophy and Theology,
- (ix) Canadian Memorial Chiropractic College,
- (x) an institution providing a nursing assistant program approved by the Ministry of Health, the Ministry of Education or the Ministry of Colleges and Universities,
- (xi) Royal Conservatory of Music,
- (xii) a Bar Admission Course conducted by the Law Society of Upper Canada,
- (xiii) Niagara Parks Commission School of Horticulture,
- (xiv) an institution providing a medical technology program approved by the Minister,
- (xv) a private vocational school registered under the *Private Vocational Schools Act* and approved by the Minister;

- (h) "financial resources" means the total actual or estimated moneys determined by the Minister, that the applicant is expected to contribute towards the education costs of the period for which the applicant is requesting a student loan having regard to,
- (i) the total income of the applicant from all sources including earnings from summer or other part or full-time employment, investment and other income,
 - (ii) academic awards and government assistance that the applicant is or may be receiving,
 - (iii) the assets of the applicant, the spouse or parents of the applicant,
 - (iv) contributions of the spouse or parents of the applicant,
 - (v) personal income tax, unemployment insurance and pension plan contributions of the spouse or parents of the applicant,
 - (vi) the number of persons who are dependent upon the applicant, the applicant's spouse or the applicant's parents for support,
 - (vii) any other resources, assets or deductions of the applicant in addition to those listed in subclauses i to vi that the Minister may determine are relevant;
- (i) "full-time employment" means performing work for remuneration for a minimum of thirty-five hours per week and shall include time spent by an applicant,
- (i) caring for a child eleven years of age or under living with the applicant and dependent upon the applicant for support,
 - (ii) attending an adult training program at a college of applied arts and technology or a private vocational school registered under the *Private Vocational Schools Act*, while receiving financial assistance from the Government of Canada, and
 - (iii) actively seeking employment while registered with the Canadian Employment and Immigration Commission;
- (j) "group A student" means a person,
- (i) who is a Canadian citizen or a landed immigrant, and except for time spent at a post-secondary institution has resided in Ontario as a Canadian citizen or a landed immigrant for a period of not less than twelve consecutive months prior to the first day of the month in which classes normally commence in the eligible institution for the period for which the person is applying for a student loan, and
 - (ii) whose parents or sponsor are Canadian citizens or landed immigrants, and
 - (A) resided in Ontario as Canadian citizens or landed immigrants for a period of not less than twelve consecutive months prior to the first day of the month in which classes normally commence in the eligible institution for the period for which the applicant is applying for a student loan, or
 - (B) resided in Ontario when the applicant first enrolled in an eligible institution situated in Ontario and are still residing in Canada and the applicant is still enrolled in an eligible institution in Ontario,
 - (iii) who is single and has no child dependent upon the person for support prior to the fifteenth day of the month in which classes normally commence in the eligible institution for the period for which the person is applying for a student loan,
 - (iv) has not engaged in full-time employment for two or more periods of at least twelve consecutive months each, and
 - (v) has completed less than four years of post-secondary study or a combination of one period of twelve consecutive months of full-time employment and post-secondary study totalling less than four years;
- (k) "group B married student" means a person, who is a Canadian citizen or a landed immigrant and except for time spent at a post-secondary institution has resided in Ontario as a Canadian citizen or a landed immigrant for a period of not less than twelve consecutive months prior to the first day of the month in which classes normally commence in the eligible

institution for the period for which the person is applying for a student loan and who,

- (i) is married prior to the fifteenth day of the month in which classes normally commence in the eligible institution for the period for which the person is applying for a student loan and whose spouse is not a full-time student, or
- (ii) has a child living with the person and dependent upon the person for support;
- (l) "group B single student" means a person, who is a Canadian citizen or a landed immigrant and except for time spent at a post-secondary institution has resided in Ontario as a Canadian citizen or a landed immigrant for a period of not less than twelve consecutive months prior to the first day of the month in which classes normally commence in the eligible institution for the period for which the person is applying for a student loan and who,
 - (i) is single and has been engaged in full-time employment for two or more periods of at least twelve consecutive months each and the final period was spent in the Province of Ontario,
 - (ii) is widowed, divorced or separated and has no child living with the person and dependent upon the person for support,
 - (iii) is married prior to the fifteenth day of the month in which classes normally commence in the eligible institution for the period for which the person is applying for a student loan and both the person and the person's spouse are full-time students and no child is dependent upon them for support, or
 - (iv) has completed a total of four years of post-secondary study or a combination of full-time employment and post-secondary study totalling four years;
- (m) "landed immigrant" means a person who is a permanent resident within the meaning of the *Immigration Act, 1976* (Canada);
- (n) "specified educational institution" means an institute of learning within the Province of Ontario that has been designated as a specified educational institution for the

purposes of the *Canada Student Loans Act*;

- (o) "student" means a group A student, a group B married student or a group B single student registered in an approved course of studies who applies for a student loan under the Act;
- (p) "student loan" means a student loan made in accordance with the requirements of section 8 of the Act. O. Reg. 735/78, s. 1 (1); O. Reg. 743/79, s. 1; O. Reg. 504/80, s. 1.

(2) Where the phrase "resided in Ontario" is used in this Regulation the Minister, after having considered the particular facts, the special circumstances of the applicant, the applicant's parents or sponsor and the provisions of any agreement made with the Government of Canada or the government of any province of Canada respecting grants or loans to students, shall determine whether a person resided in Ontario at the relevant time for the purposes of this Regulation. O. Reg. 735/78, s. 1 (2).

2.—(1) Subject to section 3, a student ceases to be a student on the day,

- (a) he is no longer enrolled in the eligible institution in the approved course of studies for the period for which he received a loan under the Act; or
- (b) he withdraws from the eligible institution.

(2) The date a student ceases to be enrolled or withdraws from an eligible institution under clauses (1) (a) and (b) shall be that date determined by such eligible institution. O. Reg. 950/75, s. 2.

3.—(1) A student to whom a student loan has been made shall be deemed not to have ceased to be a student under section 2 where,

- (a) the student provides the bank to which his obligations under the loan are owed with confirmation of enrolment,
 - (i) within six months immediately following the date of termination of the approved course of studies for which he last provided a confirmation that he was enrolled as a student,
 - (ii) relating to an approved course of studies part of which is within the six months referred to in subclause (i), and
 - (iii) in a form determined by the Minister under Regulation 645 of Revised Regulations of Ontario, 1980; or
- (b) in the event that the student fails to provide the bank with confirmation of

enrolment in accordance with clause (a), he establishes to the satisfaction of the Minister that he was unable to provide such confirmation and that he is enrolled as a student in an approved course of studies at a specified educational institution. O. Reg. 950/75, s. 3 (1); O. Reg. 18/77, s. 1.

(2) Notwithstanding subsection (1), for the purpose of the Act and this Regulation, where a borrower who has ceased to be a student becomes enrolled at a specified educational institution the borrower is deemed not to become a student again until the earlier of,

- (a) the date recorded as the effective date of the transaction in the document submitted in accordance with section 11 by the borrower in a form determined by the Minister under Regulation 645 of Revised Regulations of Ontario, 1980; or
- (b) where a new student loan is made to that borrower, the date recorded as the effective date of the transaction in the loan application and agreement set out in a form determined by the Minister under Regulation 645 of Revised Regulations of Ontario, 1980. O. Reg. 18/77, s. 2.

APPLICATION FOR LOAN AND LOAN AGREEMENT

4.—(1) An applicant for a student loan shall submit to a bank a certificate of loan approval in a form determined by the Minister under Regulation 645 of Revised Regulations of Ontario, 1980 signed by an officer authorized under subsection 1 (1) of Regulation 645 of Revised Regulations of Ontario, 1980 and an official of the eligible institution referred to in such form. O. Reg. 18/77, s. 3.

(2) Where an officer of a bank is satisfied that a student loan may be made to an applicant and such a loan is to be made, the bank and the student shall complete the loan application and agreement portion of the application submitted to the bank under subsection (1).

(3) A bank shall not make an advance in respect of a student loan until subsections (1) and (2) have been complied with.

(4) Where an advance is made in respect of a student loan, the bank making the advance shall forthwith distribute the copies of the application that relate to that loan in accordance with the instructions printed thereon.

(5) A bank may make a student loan to a student in an amount not greater than the amount set out in the certificate of loan approval submitted by the student. O. Reg. 950/75, s. 4 (2-5).

5.—(1) The Minister or a person authorized under subsection 1 (1) of Regulation 645 of Revised Regula-

tions of Ontario, 1980 may issue a certificate of loan approval to a student whom the Minister or authorized person considers in need of a student loan in order to pursue an approved course of studies, having regard to the education costs and financial resources of the student.

(2) Certificates of loan approval may be issued to a student for a sum not exceeding \$2,700 in a twelve-month period.

(3) No certificate of loan approval may be issued which would increase the total liability of a borrower to repay student loans made under this Regulation above \$7,200. O. Reg. 735/78, s. 2.

6. A certificate of loan approval is valid only up to the thirtieth day following the date of confirmation of enrolment as completed by an official of the eligible institution. O. Reg. 735/78, s. 3.

7.—(1) Every student who applies to a bank for a student loan shall declare to the bank all loans for educational purposes granted to the student at an earlier date by that bank or any other bank including loans under the *Canada Student Loans Act*. O. Reg. 735/78, s. 7 (1).

(2) The Minister or a person authorized under subsection 1 (1) of Regulation 645 of Revised Regulations of Ontario, 1980 may refuse to issue a certificate of loan approval to an applicant,

- (a) who has at any time defaulted in repayment of a student loan guaranteed by the Province of Ontario, guaranteed by any other province or territory of Canada or made under the *Canada Student Loans Act* or the Ontario Venture Capital Program;
- (b) who has been required to repay to the Treasurer of Ontario the whole or any part of a student grant made under section 3 of Regulation 646 of Revised Regulations of Ontario, 1980 or any predecessor thereof;
- (c) who owns, possesses or controls or whose spouse or parent owns, possesses or controls real or personal assets which in the opinion of the Minister constitute sufficient financial resources to meet the education costs of the applicant;
- (d) who, in the opinion of the Minister after consultation with the approved institutions at which the applicant has been enrolled, has not made satisfactory progress in a program of study;
- (e) who has failed to file with the Minister all the information and documentation required by the Minister under section 2 of Regulation 645 of Revised Regulations of Ontario, 1980;

- (f) who has failed to file with the Minister all the information and documentation required by the Minister to verify any statement made in the application and supporting material filed under section 2 of Regulation 645 of Revised Regulations of Ontario, 1980;
- (g) who is receiving financial assistance from the Government of Canada or any other province or territory of Canada; or
- (h) who is entitled to receive student assistance from any other province or territory of Canada. O. Reg. 735/78, s. 7 (2); O. Reg. 743/79, s. 2.

(3) A bank may refuse to grant a student loan in accordance with a certificate of loan approval unless all previous student loans of a student guaranteed by the Province of Ontario or under the *Canada Student Loans Act* are transferred to that bank. O. Reg. 735/78, s. 4 (3).

CONSOLIDATION OF LOANS

8.—(1) A borrower to whom a student loan has been made, after he ceases to be a student and on or before the last day of the sixth month after the month in which he ceases to be a student, shall enter into a loan agreement to be known as a consolidated student loan agreement in a form approved by the Minister under Regulation 645 of Revised Regulations of Ontario, 1980 with the bank to which his obligations under the student loan are owed, which agreement shall determine the amount and duration of the repayments to be made to discharge the principal amount of the student loan and interest on the outstanding balance from time to time.

(2) Where a borrower has entered into a consolidated student loan agreement under subsection (1), and again becomes a student whose obligations under the consolidated student loan agreement are suspended by the bank, when he again ceases to be a student and on or before the last day of the sixth month thereafter, he shall enter into a new consolidated student loan agreement with the bank to which his obligations under the student loan are owed, in place of the former consolidated student loan agreement which agreement shall determine the amount and duration of the payments to be made to discharge the principal amount of the loan and interest on the outstanding balance from time to time. O. Reg. 18/77, s. 7.

LOAN TERMS AND REVISION OF LOAN TERMS

9.—(1) Subject to subsection (6), every student loan is repayable by the borrower within a period of not more than seven years after the borrower ceased to be a student.

(2) Instalments of the repayment of a student loan shall be applied first to interest accrued to the

date of payment and then to the balance of the principal then outstanding. O. Reg. 950/75, s. 9 (1, 2).

(3) The term for repayment of any student loan is such term as the bank, after consultation with the borrower, determines, but where the borrower wishes to repay the whole or any part of the loan at any time before the expiration of the period of repayment specified in the loan agreement, the bank may allow the repayment without notice or bonus. O. Reg. 18/77, s. 8, *part*.

(4) Where a borrower advises the bank to which his loan is repayable that the terms of the loan agreement are such that he will be in default and where the bank is of the opinion that an alteration or revision of any of the terms of the loan agreement will enable the borrower to meet his obligation thereunder, the bank and the borrower may alter or revise the agreement.

(5) Where a loan agreement is altered or revised under subsection (4) and provides for a term of repayment that does not exceed seven years from the date on which the borrower ceases to be a student, the liability of the Minister to the bank under the Act is not discharged by such alteration or revision.

(6) Where a loan agreement is altered or revised under subsection (4) and provides for a term for repayment of the loan that exceeds seven years from the date on which the borrower ceases to be a student, the altered or revised loan agreement shall not become effective until the bank has notified the Minister, in a form satisfactory to him, of the proposed alteration or revision and has received the approval of the Minister thereto.

(7) Where approval of the Minister is obtained under subsection (6), the alteration or revision of a loan agreement shall not discharge the liability of the Minister to the bank under the Act. O. Reg. 950/75, s. 9 (4-7).

(8) Except for the final instalment, any monthly instalment of a consolidated student loan agreement shall not be less than \$15. O. Reg. 18/77, s. 8, *part*.

DEFAULT

10.—(1) Where a borrower fails to enter into a consolidated student loan agreement in accordance with section 8 or where default is made in the payment of any instalment under such consolidated student loan agreement and such default continues for thirty days or where the borrower becomes subject to or takes advantage of any law relating to bankruptcy, insolvency or for the relief of debtors, the entire unpaid principal amount of the loan and interest payable by the student that has accrued thereon shall become due and payable on the date

thereafter that is determined by the bank, the interest being at such rate, as may be determined by the bank, not exceeding the rate that would have been payable under section 14 had a consolidated student loan agreement been entered into between the bank and the borrower on that date.

(2) Where the entire amount of the balance outstanding on a loan becomes due and payable in accordance with subsection (1), the bank may take such measures as it considers advisable including,

- (a) to alter or revise the terms of the loan agreement in accordance with section 9; or
- (b) to effect collection of the amount of the loan outstanding,

without in any way discharging the liability of the Minister to the bank under the Act.

(3) For the purpose of determining the date of default in respect of the student loan of a borrower who,

- (a) does not provide the bank to which his obligations under the loan are owed with confirmation of enrolment in accordance with section 3; and
- (b) fails to enter into a consolidated student loan agreement in accordance with section 8,

the borrower shall be deemed to be in default on the earlier of,

- (c) the first day of the seventh month immediately following the month recorded as the end of the period of the approved course of studies for which he received a loan under the Act as set out on the last confirmation of enrolment accepted by the bank; or
- (d) the first day of the seventh month immediately following the month in which the borrower ceased to be a student, where the bank is advised of this event. O. Reg. 950/75, s. 10.

REINSTATEMENT OF STATUS AS STUDENT

11.—(1) Where a borrower who has ceased to be a student wishes to be reinstated as a student but does not intend to obtain another student loan at that time, he shall,

- (a) where he becomes enrolled at a specified educational institution, provide the bank to which his obligations are owed, with a document in a form approved by the Minister under Regulation 645 of Revised

Regulations of Ontario, 1980 signed by a designated official of the specified educational institution; and

- (b) where he becomes enrolled at a specified educational institution not referred to in any application submitted to the bank in a form approved by the Minister under Regulation 645 of Revised Regulations of Ontario, 1980 provide the bank with a letter from the Minister stating that the institution named in the document provided by him in a form approved by the Minister under Regulation 645 of Revised Regulations of Ontario, 1980 is a specified educational institution. O. Reg. 18/77, s. 9.

(2) Where,

- (a) a bank receives,
 - (i) a document submitted in accordance with clause (1) (a), or
 - (ii) a document and letter submitted in accordance with clauses (1) (a) and (b); and
- (b) the borrower, where requested by the bank, pays to the bank the accrued interest, if any, payable by him on a student loan,

the bank shall suspend the obligations of the borrower under the student loan agreement and under the consolidated student loan agreement to pay principal and interest as of the date recorded as the effective date of the transaction on the document referred to in clause (1) (a) and every month thereafter until and including the sixth month after the month in which he again ceases to be a student. O. Reg. 950/75, s. 11 (2).

PAYMENT ON DEATH

12.—(1) The rights of a bank against a borrower in respect of a student loan shall terminate upon the death of the borrower, and the Minister shall pay to the bank whose rights against a borrower are terminated under this section, the amount of principal and interest payable by the borrower at the time of his death as determined under subsection (4).

(2) Notwithstanding subsection (1), where a borrower to whom a student loan has been made by a bank,

- (a) dies and notice of his death is not received by the bank within thirty days of the day of his death; or
- (b) disappears under circumstances that, in the opinion of the Minister, raise beyond a reasonable doubt a presumption that the borrower is dead,

the Minister shall pay to the bank the amount of principal and interest as determined under subsection (5) to have been payable by the borrower, on such day after the borrower's death or disappearance as the Minister may fix, and all rights of the bank against that borrower in respect of that student loan terminate on that day.

(3) A bank making a claim pursuant to subsection (2) shall provide evidence satisfactory to the Minister of the death or disappearance of the borrower.

(4) The amount payable by the Minister to a bank pursuant to subsection (1) shall be the amount of the unpaid balance of principal payable by the borrower at the time of his death and the interest that has accrued thereon to the last day of the month in which the borrower died.

(5) The amount payable by the Minister to a bank pursuant to subsection (2) shall be the amount of the unpaid balance of principal payable by the borrower at the date fixed by the Minister following the death or disappearance of the borrower and interest that has accrued thereon to that date. O. Reg. 950/75, s. 12.

MISREPRESENTATION

13. Where a bank discovers that a document pertaining to a student loan contains a false statement, the bank may take any action that it considers proper in the circumstances and shall immediately report the matter to the Minister. O. Reg. 18/77, s. 10.

INTEREST

14.—(1) In this section, "basic rate" means the minimum commercial rate of interest offered by the head office of the lending bank in the Province of Ontario on the first working day of each fiscal quarter of the lending bank.

(2) In this section, "prime rate" means the minimum commercial lending rate of interest offered at the head office of the lending bank in the Province of Ontario on any given day.

(3) The rate of interest payable pursuant to a student loan agreement and a consolidated student loan agreement by a borrower to whom a student loan has been made shall be the prime rate in effect on the first day of the seventh month immediately following the month in which the borrower ceases to be a student plus one per cent and thereafter at the prime rate plus one per cent in effect at the head office in the Province of Ontario of the lending bank on any given day during the duration of the consolidated student loan agreement. O. Reg. 18/77, s. 11.

(4) The rate of interest payable by the Minister to a bank in respect of a student loan shall be the

basic rate in effect on the date on which the loan was made by the bank and thereafter at the basic rate in effect on the first working day of each fiscal quarter in respect of the period prescribed in subsection (5).

(5) No interest is payable by a student on a student loan in respect of any period while he is a student or in respect of any subsequent period ending on the last day of the sixth month after the month in which he ceases to be a student.

(6) The Minister shall pay to a bank in respect of each student loan that a borrower is obliged to pay to the bank, interest thereon at the rate prescribed in subsection (4) in respect of the period prescribed in subsection (5). O. Reg. 950/75, s. 14 (4-6).

QUARTERLY INTEREST PAYMENT

15.—(1) The Minister shall pay to a bank within twenty-one days following the last day of January, April, July and October in each year the interest owing to the bank under subsection 14 (5) as calculated by the Minister.

(2) Every payment of interest made under subsection (1) is subject to review at the request of the bank and an adjustment of interest payment may be made upon verification of the amount payable.

(3) Where a calculation of interest by the Minister varies from that of a bank by reason of a difference in the method used to calculate the interest, the interest as calculated by the Minister shall be the interest payable to the bank by the Minister. O. Reg. 950/75, s. 15.

SUBROGATION

16. Where the Minister has paid to a bank the amount of a loss sustained by the bank as a result of a student loan, Her Majesty in right of Ontario is thereupon subrogated in and to all the rights of the bank in respect of the student loan and, without limiting the generality of the foregoing, all rights and powers of the bank in respect of,

(a) the student loan; and

(b) any Judgment obtained by the bank in respect of the loan,

are thereupon vested in Her Majesty in right of Ontario and Her Majesty in right of Ontario is entitled to exercise all the rights, powers and privileges that the bank had or might exercise in respect of the loan or Judgment, including the right to commence or continue any action or proceeding, to execute any release, transfer, sale or assignment, or in any way collect, realize or enforce the loan or Judgment. O. Reg. 950/75, s. 16.

CLAIMS FOR LOSS

17.—(1) A claim for loss by a bank in respect of a student loan may be made in a form satisfactory to the Minister,

- (a) in the case of a claim made under section 12, at the earliest date that evidence of the death, or disappearance of the borrower is available to the bank; and
- (b) in the case of a claim for loss, other than a claim under section 12 at any time after the student loan has been in default for sixty days, except where in the opinion of the bank the circumstances are exceptional, including a bankruptcy or insolvency, in which case a claim may be submitted prior to the expiration of sixty days and such claim may be paid at the discretion of the Minister. O. Reg. 18/77, s. 12.

(2) The amount of loss sustained by a bank as a result of a student loan for which a claim for loss may be submitted may include,

- (a) the unpaid principal amount of the loan;
- (b) the uncollected earned interest on the student loan calculated to,
 - (i) the last day of the month in which the borrower died or such later date as may be fixed by the Minister in the case of a claim made under section 12, or
 - (ii) the date the claim is approved for payment in the case of a claim other than a claim referred to in subclause (i);
- (c) any uncollected taxed costs for or incidental to legal proceedings in respect of the loan;
- (d) legal fees, legal costs and legal disbursements, whether taxable or not, actually incurred by the bank, whether with or without litigation, in collecting or endeavouring to collect the loan or to protect the interests of the Minister, but only up to the amount that the Minister may allow; and
- (e) other disbursements actually incurred by the bank in collecting or endeavouring to collect the loan or to protect the interests of the Minister, but only up to the amount that the Minister may allow. O. Reg. 950/75, s. 17 (2); O. Reg. 735/78, s. 5.

(3) A claim for loss shall be approved for payment by the Minister within thirty days from the receipt thereof and shall be paid forthwith.

(4) Upon payment of a loss in respect of a student loan being made by the Minister to a bank, the bank shall execute a receipt in a form satisfactory to the Minister and shall send the receipt to the Minister together with such applications, agreements and other documents relating to the loan as the Minister requests.

(5) A document purporting to be a receipt, in a form satisfactory to the Minister and purporting to be signed on behalf of a bank, shall be evidence of the payment by the Minister to the bank under the Act in respect of the loan therein mentioned and of the execution of the document on behalf of the bank. O. Reg. 950/75, s. 17 (3-5).

RECOVERIES

18. Where payment is made by the Minister to a bank in respect of a student loan, the bank shall remit all amounts that may be collected or realized by it pursuant to the student loan in a manner satisfactory to the Minister. O. Reg. 950/75, s. 18.

LOST OR STOLEN CERTIFICATES

19. Where the certificate of loan approval issued to a student is lost or stolen, the student may apply to the Minister or an officer authorized under subsection 1 (1) of Regulation 645 of Revised Regulations of Ontario, 1980 for a replacement certificate of loan approval and where the Minister or such officer is satisfied that the certificate has been lost or stolen, may issue or cause to be issued a replacement certificate of loan approval to the student. O. Reg. 18/77, s. 13.

LIABILITY OF THE MINISTER

20.—(1) Where a false statement is made by a borrower in a document pertaining to a student loan, the liability of the Minister to the bank shall not for that reason be discharged to any extent even though the document is scrutinized and checked by an officer of the bank with the care required of him by the bank in its ordinary business.

(2) The liability of the Minister is not discharged where a loan is made to a borrower who wrongfully files with the bank a lost or stolen certificate of loan approval and where it is scrutinized and checked by an officer of the bank with the care required of him by the bank in its ordinary business. O. Reg. 18/77, s. 14.

TRANSFER OR ASSIGNMENT

21.—(1) Where a borrower and a bank agree that the bank will accept the transfer or assignment to it of a student loan agreement and a consolidated

student loan agreement, if any, from the bank to which the obligations of the borrower under the agreement are owed, the borrower may apply to the bank to which his obligations under the agreement are owed for such a transfer or assignment and that bank shall forthwith, on receipt of the application of the borrower, transfer or assign the agreement to the bank that has agreed to accept it.

(2) Where an agreement is transferred or assigned under subsection (1), the bank to which the agreement is transferred or assigned shall pay to the bank from which the agreement is transferred or assigned an amount equal to the principal amount of the loan outstanding as of the date of the transfer or assignment and any interest payable by the borrower that will have accrued as of that date.

(3) A transfer or assignment made under subsection (1) shall be in a form satisfactory to the Minister. O. Reg. 950/75, s. 21.

REPORTS TO MINISTER

22. Every bank shall furnish to the Minister,

- (a) quarterly reports in a form satisfactory to the Minister showing the total of all outstanding student loans at the end of January, April, July and October in each year; and
- (b) as frequently as the Minister may require, copies of all documents relating to student loans processed by the bank. O. Reg. 18/77, s. 15.

REGULATION 645

under the Ministry of Colleges and Universities Act

ONTARIO STUDENT LOANS

AUTHORIZED OFFICERS

1.—(1) The Deputy Minister and the Director, Student Awards Branch, are authorized to approve loans under section 8 of the Act.

(2) The Minister may authorize the use of a facsimile signature of an officer of the Ministry mentioned in subsection (1) to be affixed to the certificate of loan approval referred to in Regulation 644 of Revised Regulations of Ontario, 1980 by the use of a rubber stamp or by printing, lithographing, engraving or by other mechanical means. O. Reg. 17/77, s. 1.

FORMS

2. For the purposes of Regulation 644 of Revised Regulations of Ontario, 1980,

(a) a loan application and agreement and certificate of loan approval;

(b) a confirmation of enrolment; and

(c) a consolidated student loan agreement,

shall be in such form as the Minister may determine. O. Reg. 17/77, s. 2.

REGULATION 646

under the Ministry of Colleges and Universities Act

ONTARIO STUDY GRANT PLAN

INTERPRETATION

1.—(1) In this Regulation,

- (a) "applicant", except where otherwise provided in Part II, means a group A student, a group B married student or a group B single student registered in an approved program of study who applies for a grant under this Regulation;
- (b) "approved institution" means an institution of learning within Canada approved by the Minister;
- (c) "approved program of study" means a program of post-secondary courses or subjects of at least ten weeks duration approved by the Minister and offered at an approved institution leading to a certificate, diploma or degree;
- (d) "education costs" means the total of the actual costs or estimated cost allowances for the following items, as determined by the Minister, for the period for which an applicant is requesting a grant,
 - (i) tuition and other compulsory fees payable to an approved institution,
 - (ii) books and instructional supplies,
 - (iii) a weekly personal and living allowance,
 - (iv) local transportation to and from the applicant's residence or lodging to the campus of the approved institution,
 - (v) one return trip per eligibility period by an applicant to the permanent Ontario residence of the applicant by the most reasonable means of public transportation,
 - (vi) any other expenses of the applicant in addition to those listed in subclauses (i) to (v) that the Minister may determine are relevant;
- (e) "eligibility period" means a period of post-secondary study ranging from ten to nineteen weeks, as determined by the Minister, that generally corresponds to a term at a post-secondary educational institution;
- (f) "financial resources" means the total actual or estimated money, determined by the Minister, that the applicant is expected to contribute towards the education costs of the period for which the applicant is requesting a grant having regard to,
 - (i) the total income of the applicant from all sources including earnings from summer and other part- or full-time employment, investment and other income,
 - (ii) academic awards and government assistance that the applicant is or may be receiving,
 - (iii) the assets of the applicant, the spouse or parents of the applicant,
 - (iv) contributions of the spouse or parents of the applicant,
 - (v) personal income tax, unemployment insurance and pension plan contributions of the spouse or parents of the applicant,
 - (vi) the number of persons who are dependent upon the applicant, the applicant's spouse or the applicant's parents for support,
 - (vii) any other resources, assets or deductions in addition to those listed in subclauses (i) to (vi) that the Minister may determine are relevant;
- (g) "full-time employment" means performing work for remuneration for a minimum of thirty-five hours per week and includes time spent by an applicant,
 - (i) caring for a child eleven years of age or under living with the applicant and dependent upon the applicant for support,
 - (ii) attending an adult training program at a college of applied arts and technology or a private vocational school registered under the *Private*

Vocational Schools Act, while receiving financial assistance from the Government of Canada, or

- (iii) actively seeking employment while registered with the Canadian Employment and Immigration Commission;

(h) "group A student" means a person,

- (i) who is a Canadian citizen or a landed immigrant and except for time spent at a post-secondary institution has resided in Ontario as a Canadian citizen or a landed immigrant for a period of not less than twelve consecutive months prior to the first day of the month in which classes in the approved institution normally commence for the eligibility period for which the person is applying for a grant,

- (ii) whose parents or sponsor are Canadian citizens or landed immigrants, and

(A) resided in Ontario as Canadian citizens or landed immigrants for a period of not less than twelve consecutive months prior to the first day of the month in which classes normally commence in the approved institution for the eligibility period for which the applicant is applying for a grant, or

(B) resided in Ontario when the applicant first enrolled in an approved institution situated in Ontario and are still residing in Canada and the applicant is still enrolled in an approved institution in Ontario,

- (iii) who is single and has no child dependent upon the person for support prior to the fifteenth day of the month in which classes normally commence in the approved institution for the eligibility period for which the person is applying for a grant, and

- (iv) has not engaged in full-time employment for three or more periods of at least twelve consecutive months each;

(i) "group B married student" means a person who is a Canadian citizen or a landed immig-

rant and except for time spent at a post-secondary institution has resided in Ontario as a Canadian citizen or a landed immigrant for a period of not less than twelve consecutive months prior to the first day of the month in which classes normally commence in the approved institution for the eligibility period for which the person is applying for a grant and who,

- (i) was married prior to the fifteenth day of the month in which classes normally commence in the approved institution for the eligibility period for which the person is applying for a grant and whose spouse is not a full-time student, or

- (ii) has a child living with the person and dependent upon the person for support;

(j) "group B single student" means a person who is a Canadian citizen or a landed immigrant and except for time spent at a post-secondary institution has resided in Ontario as a Canadian citizen or a landed immigrant for a period of not less than twelve consecutive months prior to the first day of the month in which classes normally commence in the approved institution for the eligibility period for which the person is applying for a grant and who,

- (i) is single and has been engaged in full-time employment for three or more periods of at least twelve consecutive months each and the final period was spent in the Province of Ontario, or

- (ii) is widowed, divorced or separated and has no child living with the person and dependent upon the person for support,

- (iii) is married prior to the fifteenth day of the month in which classes normally commence in the approved institution for the eligibility period for which the person is applying for a grant and both the person and the person's spouse are full-time students and no child is dependent upon them for support;

(k) "landed immigrant" means a person who is a permanent resident within the meaning of the *Immigration Act, 1976* (Canada);

(l) "normal full-time course load" means the number of courses in an approved program of study that an approved institution requires a student to take in any year in order to obtain a certificate, diploma or degree in a minimum length of time;

(m) "spouse" includes either of a man and woman not being married to each other who have cohabited,

(i) continuously for a period of not less than five years, or

(ii) in a relationship of some permanence where there is a child born to whom they are the natural parents,

and have so cohabited within the preceding year;

(n) "term" means a period at an approved institution in an approved program of study of not less than ten weeks duration. O. Reg. 638/78, s. 1 (1); O. Reg. 727/79, s. 1.

(2) Where the phrase "resided in Ontario" is used in this Regulation the Minister, after having considered the particular facts, the special circumstances of the applicant, the applicant's parents or sponsor and the provisions of any agreement made with the Government of Canada or the government of any province of Canada respecting grants or loans to students, shall determine whether a person resided in Ontario at the relevant time for the purpose of this Regulation. O. Reg. 638/78, s. 1 (2).

PART I

GRANTS

2. An application for a grant shall be in such form as the Minister may determine. O. Reg. 638/78, s. 2.

3. Subject to sections 5 and 7, the Minister may make a grant to an applicant for an eligibility period or any portion thereof in an amount determined in accordance with section 4. O. Reg. 638/78, s. 3.

4.—(1) The amount of a grant shall be that amount calculated by deducting the financial resources of the applicant from the education costs of the applicant and shall not exceed for each eligibility period,

(a) \$1,000 to a group B single student; or

(b) \$2,500 to a group A student or to a group B married student.

(2) Where a student is not taking a normal full-time course load, the education costs of the applicant referred to in subsection (1) shall be reduced in the proportion that the number of courses actually taken by the applicant bears to a normal full-time course load. O. Reg. 638/78, s. 4.

(3) Notwithstanding clauses (1) (a) and (b), the amount of a grant shall not exceed for each eligibility

period the sum of \$1,000 where the applicant is enrolled in an approved institution that is a private vocational school registered under the *Private Vocational Schools Act*. O. Reg. 727/79, s. 2.

5. The Minister may refuse to make a grant to an applicant,

(a) who has at any time defaulted in repayment of a student loan guaranteed by the Province of Ontario, guaranteed by any other province or territory of Canada or made under the *Canada Student Loans Act* or the Ontario Venture Capital Program;

(b) who has been required to repay to the Treasurer of Ontario the whole or any part of a grant made under section 3 of this Regulation or any predecessor thereof;

(c) who owns, possesses or controls or whose spouse or parent owns, possesses or controls real or personal assets which in the opinion of the Minister constitute sufficient financial resources to meet the education costs of the applicant;

(d) who, in the opinion of the Minister after consultation with the approved institution or institutions at which the applicant has been enrolled, has not made satisfactory progress in a program of study;

(e) who has failed to file with the Minister all the information and documentation required by the Minister under section 2;

(f) who has failed to file with the Minister all the information and documentation required by the Minister to verify any statement made in the application and supporting material filed under section 2;

(g) who is receiving financial assistance from the Government of Canada or from any other province or territory of Canada; or

(h) who is entitled to receive student assistance from any other province or territory of Canada. O. Reg. 638/78, s. 5; O. Reg. 727/79, s. 3.

6. A grant under section 3 shall be payable to an applicant and forwarded to the appropriate approved institution at which the applicant is enrolled and the approved institution shall withhold delivery of the grant to the applicant until the tuition fee for the eligibility period is paid by the applicant or until arrangements acceptable to the approved institution have been made, with the applicant for the payment of the tuition fee. O. Reg. 638/78, s. 6.

7. An applicant shall only be entitled to a grant under section 3 for a total of eight eligibility periods. O. Reg. 638/78, s. 7.

8. The Minister in his sole discretion shall determine how many eligibility periods have been used by an applicant after having regard to,

- (a) the date an applicant first commenced post-secondary education;
- (b) the period of time an applicant has been in post-secondary study;
- (c) the number of courses in which an applicant was enrolled at a post-secondary institution;
- (d) the dates an applicant enrolled in and withdrew from the courses at a post-secondary institution;
- (e) the reasons given by an applicant for the applicant's withdrawal from courses at a post-secondary institution;
- (f) the progress of an applicant to complete a course or courses of study at a post-secondary institution;
- (g) grants made to an applicant under section 3; and
- (h) any other circumstances of the applicant in addition to those listed in clauses (a) to (g) that the Minister may determine are relevant. O. Reg. 638/78, s. 8.

PART II

GRANTS FOR LOAN REMISSION

9.—(1) In this Part "applicant" means a person,

- (a) who is a group A student, a group B married student or a group B single student registered in an approved program of study and taking a normal full-time course load;
- (b) who is not entitled to a grant under section 3 or was entitled to a reduced grant under section 3 because the person had exhausted the eligibility periods referred to in section 7;
- (c) who would have been eligible for a grant under any predecessor to this Regulation; and
- (d) to whom a student loan was awarded and advanced by a lending institution under the *Canada Student Loans Act* or under the *Ministry of Colleges and Universities Act*,

- (i) during the period from the 1st day of September, 1978 to the 31st day of January, 1979 and who has never received a grant under this Part for the

purpose of reducing any student loan, or

- (ii) during the period from the 1st day of February, 1979 to the 31st day of July, 1980.

(2) The Minister may make a grant to an applicant under this Part for the purpose of reducing an outstanding student loan.

(3) Where applications were made,

- (a) under subclause (1) (d) (i) and filed on or before the 31st day of March, 1980 and approved by the Minister, the applicants shall be paid on an equal basis from money set aside for such purpose by the Minister out of money appropriated by the Legislature; or
- (b) under subclause (1) (d) (ii) and filed on or before the 31st day of July, 1980 and approved by the Minister, the applicants shall be paid on an equal basis from money set aside for such purpose by the Minister out of money appropriated by the Legislature.

(4) For the purpose of computing the amount of a grant that may be paid to an applicant under subsection (2), the Minister may have regard to,

- (a) the amount outstanding on any student loan awarded and advanced to an applicant under the *Canada Student Loans Act* or under the *Ministry of Colleges and Universities Act* during the period from the 1st day of September, 1978 to the 31st day of July, 1980;
- (b) the amount of any grant previously received by the applicant for the purpose of reducing any student loan;
- (c) the financial resources of the applicant; and
- (d) the education cost of the applicant.

(5) The amount of a grant determined in accordance with subsection (4) shall be reduced by the sum of \$500 per term for the period for which an application is made.

(6) A grant under subsection (2) shall be applied first in reduction of the principal amount outstanding on a student loan made under the *Ministry of Colleges and Universities Act* and the balance in reduction of a student loan made under the *Canada Student Loans Act*.

(7) An application for a grant under subsection (2) shall be in such form as the Minister may determine and where,

- (a) the person is an applicant under subclause 9 (1) (d) (i), shall have been filed on or before the 31st day of March, 1980; or

- (b) the person is an applicant under subclause 9 (1) (d) (ii), shall have been filed on or before the 31st day of July, 1980.

(8) A grant under subsection (2) shall be payable to the lending institution to which the student loan is repayable by the applicant. O. Reg. 727/79, s. 4.

10. The Minister may refuse to make a grant under this Part to an applicant,

- (a) who has at any time defaulted in repayment of a student loan guaranteed by the Province of Ontario, guaranteed by any other province or territory of Canada or made under the *Canada Student Loans Act* or the Ontario Venture Capital Program;
- (b) who has been required to repay to the Treasurer of Ontario the whole or any part of a grant made under section 3 of this Regulation or any predecessor thereof;
- (c) who owns, possesses or controls or whose spouse or parent owns, possesses or controls real or personal assets which in the opinion of the Minister constitute sufficient financial resources to meet the education costs of the applicant;
- (d) who, in the opinion of the Minister after consultation with the approved institution or institutions at which the applicant has been enrolled, has not made satisfactory progress in a program of study;
- (e) who has failed to file with the Minister all the information and documentation required by the Minister under subsection 9 (7);
- (f) who has failed to file with the Minister all the information and documentation required by the Minister to verify any statement made in the application and supporting material filed under subsection 9 (7);
- (g) who is receiving financial assistance from the Government of Canada or from any other province or territory of Canada;
- (h) who is entitled to receive student assistance from any other province or territory of Canada; or
- (i) who, at any time, before completing the term for which a student loan was awarded under the *Canada Student Loans Act* or under the *Ministry of Colleges and Universities Act*,

(i) withdrew from the approved institution,

(ii) ceased to be registered in an approved program of study for which the student loan was awarded, or

- (iii) reduced the number of courses or subjects that comprised the approved program of study for which the student loan was awarded. O. Reg. 638/78, s. 10; O. Reg. 727/79, s. 5.

PART III

GENERAL

11.—(1) Where a grant is made under Part I or Part II to an applicant who,

- (a) makes any false statement or misrepresentation in an application under section 2 or in any other document required by the Minister or furnishes any false or misleading information; or
- (b) expends or commits the whole or part of the grant for purposes other than the purpose for which the grant was awarded,

the Minister may require the applicant to repay forthwith to the Treasurer of Ontario the whole or any part of the grant awarded the applicant.

(2) Where a grant is made to an applicant under Part I or Part II and due to an error, mistake or change in the applicant's circumstances, the grant is in excess in whole or in part of the amount which the applicant is eligible to receive as a grant under Part I or Part II, as the case may be, the Minister may require the applicant to pay to the Treasurer of Ontario any over-payment of the grant.

(3) Where a grant is made to an applicant under Part I for an eligibility period or under Part II for a term and before completing such eligibility period or term, as the case may be, the applicant,

- (a) withdraws from the approved institution;
- (b) ceases to be registered in an approved program of study for which the grant was awarded; or
- (c) reduces the number of courses or subjects that comprise the approved program of study for which the grant was awarded,

the applicant forthwith shall pay to the Treasurer of Ontario and amount equal to the difference between,

- (d) the amount of the grant made to the applicant; and
- (e) the amount of a grant, if any, determined by the Minister which the applicant would have been eligible to receive as a grant under Part I or Part II, as the case may be, for the period prior to the date of an event referred to in clause (a), (b) or (c).

(4) The date of an event referred to in clause (3) (a), (b) or (c) shall be that date determined by the approved institution where the applicant was enrolled for the purposes of applying for a grant.

(5) Notwithstanding subsection (3), where a grant is made to an applicant under Part II for a term and before completing such term, the applicant withdraws from the approved institution, the Minister may in his discretion require the applicant to repay forthwith to

the Treasurer of Ontario the whole or any part of the grant awarded the applicant. O. Reg. 203/79, s. 2.

(6) Where an applicant is required under subsection (1), (2) or (3) to repay to the Treasurer of Ontario the whole or any part of the grant awarded and the applicant is entitled to a refund of the whole or any part of the tuition fee paid by the applicant to an approved institution, the approved institution shall make such refund payable to the Treasurer of Ontario. O. Reg. 922/80, s. 1.

REGULATION 647

under the Ministry of Community and Social Services Act

SOCIAL ASSISTANCE REVIEW BOARD

1.—(1) The Board of Review shall be composed of not more than twenty members. O. Reg. 526/77, s. 1.

(2) A request for a hearing by the Board of Review shall be made in Form 1.

(3) Subject to subsection (4) an application for reconsideration and variation of a decision by the Board of Review shall be made in Form 2 within thirty days after the person making the application receives notice of the decision to be reviewed.

(4) Subsection 13 (6) of the *Family Benefits Act* applies with necessary modifications to an application for reconsideration and variation of a decision of the Board of Review.

(5) Within twenty-one days following receipt by him of a notice in Form 1 or in Form 2, the chairman of the Board of Review shall send to all parties to the proceedings before the Board of Review,

- (a) except the party making the request or application, a copy of the notice in Form 1 or in Form 2, as the case may be; and
- (b) a copy of a notice of the time, place and purpose of the hearing.

(6) Subject to section 24 of the *Statutory Powers Procedure Act*, service of the notice of the time and place of the hearing shall be sent by first class mail addressed to the party making the request or application at the address shown on the notice in Form 1 or in Form 2.

(7) A party requesting a hearing or making an application for reconsideration and variation may at any time before the hearing, withdraw his or her request or application by notifying the chairman of the Board of Review in writing. O. Reg. 973/77, s. 1.

2.—(1) The Board of Review shall reach a decision according to the evidence within forty days following the sending of the notice of the time, place and purpose of the hearing pursuant to clause 1 (5) (b). O. Reg. 973/77, s. 2.

(2) The notice of decision of the Board of Review shall include,

- (a) the principal findings of fact on the evidence officially noticed; and
- (b) the conclusions based on the findings of fact. O. Reg. 17/75, s. 2 (2).

Form 1

Ministry of Community and Social Services Act

NOTICE OF REQUEST FOR HEARING

.....

.....
File Number

Name.....

Address.....
(number) (street or rural route) (city) (town)

.....
(village or P.O.) (township) (county etc.) (postal code)

To: The Chairman, Social Assistance Review Board

I hereby request a hearing by the Board of Review in respect of:

Refusal to grant a benefit

Suspension or cancellation of a benefit

Reduction of a benefit

The amount of a benefit

Grounds for request.....

(date)

(signature)

O. Reg. 973/77, s. 3, *part.*

Form 2

Ministry of Community and Social Services Act

NOTICE OF APPLICATION FOR RECONSIDERATION AND VARIATION

• • • • •

• • • • •

File Number

(number)

(street or rural route)

(city)

(town)

(village or P.O.)

(township)

(county, etc.)

(postal code)

To: The Chairman, Social Assistance Review Board

I hereby apply for a hearing and reconsideration by the Board of Review of a decision made by the Board on the day of, 19..

Grounds for application.....

(date)

.....
(signature)

O. Reg. 973/77, s. 3, *part.*

REGULATION 648

under the Ministry of Consumer and Commercial Relations Act

FEEs

1. The fee that shall be paid for a copy or transcript of oral evidence taken before the Commercial Registration Appeal Tribunal at a hearing is \$5 per page. O. Reg. 724/73, s. 1.

REGULATION 649

under the Ministry of Correctional Services Act

GENERAL

1. In this Regulation,

- (a) "employee" means an employee of the Ministry;
- (b) "clinic" or "hospital" means that part of an institution set aside for the care and treatment of inmates who are physically or mentally ill;
- (c) "contraband" means unauthorized property in the possession of an inmate;
- (d) "health care professional" means a legally qualified medical practitioner or a registered nurse who holds a certificate under the *Health Disciplines Act*;
- (e) "officer" means an employee who is directly involved in the care, health, discipline, safety and custody of an inmate and includes a bailiff appointed under the Act;
- (f) "Superintendent" includes a Director of a correctional institution. O. Reg. 243/79, s. 1.

PART I

CORRECTIONAL INSTITUTIONS

DUTIES OF SUPERINTENDENT,

HEALTH CARE PROFESSIONALS, EMPLOYEES

2.—(1) The Superintendent of a correctional institution is responsible for the management of the institution and for the care, health, discipline, safety and custody of the inmates under the Superintendent's authority, and, without limiting the generality of the foregoing, the Superintendent shall,

- (a) supervise the admission and release of each inmate from the institution;
- (b) supervise the recording, guarding and disposition of inmate property;
- (c) conduct reviews in discipline cases;
- (d) supervise the admission and conduct of persons visiting the institution; and
- (e) supervise the searches conducted on inmates and employees.

(2) The Superintendent shall,

- (a) administer the institution in accordance with the Act, the regulations and any instructions issued from time to time by the Minister to the Superintendent;
- (b) issue to the employees of the institution such directions as may be necessary to fulfil the responsibilities of a Superintendent;
- (c) establish administrative procedures to be followed on the admission, discharge, escape, illness or death of an inmate and on the assignment of employees' and inmates' duties; and
- (d) ensure that inmates are informed of their duties and privileges while in the care and custody of the Superintendent.

(3) The Superintendent shall forward immediately to the proper authority an application of an inmate for,

- (a) appeal;
- (b) a writ of *habeas corpus* or an order in the nature of *mandamus*;
- (c) parole; or
- (d) a transfer under the *Transfer of Offenders Act* (Canada). O. Reg. 243/79, s. 2.

3. Any power, duty or function conferred or imposed upon or exercised by a Superintendent under the Act or this Regulation may be delegated by the Superintendent to any person or persons to act as designated representative of the Superintendent for the purpose of the effective administration of the Act and the delegation shall be subject to such limitations, restrictions, conditions and requirements as the Superintendent considers necessary for the purpose. O. Reg. 243/79, s. 3.

4.—(1) There shall be one or more health care professionals in each institution to be responsible for the provision of health care services within the institution and to control and direct the medical and surgical treatment of all inmates.

(2) The health care professional shall ensure that every inmate receives a medical examination as soon as possible after admission to the institution.

(3) The health care professional shall immediately report to the Superintendent whenever the health care professional determines that an inmate is seriously ill.

(4) When an inmate is injured, a health care professional shall,

- (a) examine the inmate's injuries;
- (b) ensure such treatment as seems advisable; and
- (c) make a written report to the Superintendent concerning the nature of the injury and the treatment provided.

(5) When an inmate claims to be unable to work by reason of illness or disability, a health care professional shall examine the inmate and if, in his opinion, the inmate is unfit to work or the work should be changed, the health care professional shall immediately report the fact in writing to the Superintendent whereupon the inmate shall be relieved of work duties or have his work changed or be admitted to hospital or elsewhere for medical treatment as directed. O. Reg. 243/79, s. 4.

5. If an inmate becomes seriously ill, the Superintendent shall notify the inmate's close relatives and a minister of religion, preferably of the denomination to which the inmate belongs, and may notify any other person or persons that the inmate requests be notified of the illness. O. Reg. 243/79, s. 5.

6. If an inmate dies while confined in an institution, the Superintendent shall immediately make a report concerning the death to the Minister and the report shall include,

- (a) the name of the inmate;
- (b) the names of the close relatives of the inmate; and
- (c) the cause of death and the surrounding circumstances. O. Reg. 243/79, s. 6.

7.—(1) No employee shall use force against an inmate unless force is required in order to,

- (a) enforce discipline and maintain order within the institution;
- (b) defend the employee or another employee or inmate from assault;
- (c) control a rebellious or disturbed inmate; or
- (d) conduct a search,

but where force is used against an inmate, the amount of force used shall be reasonable and not excessive having regard to the nature of the threat posed by the inmate and all other circumstances of the case.

(2) Where an employee uses force against an inmate, the employee shall file a written report with the Superintendent indicating the nature of the threat

posed by the inmate and all other circumstances of the case. O. Reg. 243/79, s. 7.

ADMISSION TO INSTITUTION

8.—(1) The Superintendent shall not admit any person into custody at an institution except under the authority of a warrant of committal, an order for remand or other judicial document constituting authority for detention of the person therein.

(2) Notwithstanding subsection (1), a Superintendent shall admit a person into custody at an institution without a warrant of committal, an order for remand or other judicial document where,

- (a) the person is delivered to the institution by a provincial bailiff for temporary detention in the institution;
- (b) the person is delivered to the institution after being apprehended under section 38 of the Act; or
- (c) the person is delivered to the institution after being apprehended for an alleged breach of a temporary absence permit; or
- (d) the institution is designated as a lock-up.

(3) Notwithstanding clause (2) (d), the Superintendent of a lock-up shall not admit into custody at the lock-up any person who is in need of immediate medical attention. O. Reg. 243/79, s. 8.

9. When a person is admitted into custody at an institution, the person becomes an inmate of the institution and the Superintendent shall ensure that each inmate is searched, bathed and clothed in the proper manner. O. Reg. 243/79, s. 9.

INMATE PROPERTY

10.—(1) The Superintendent shall cause a complete record to be made of all the property, including money and personal belongings, in the possession of the inmate at the time of admission to the institution.

(2) The non-perishable property that the inmate is not permitted to retain in his possession shall be deposited with the Superintendent.

(3) The perishable property that the inmate is not permitted to retain in his possession shall be dealt with as the inmate may reasonably direct or else be destroyed by the Superintendent. O. Reg. 243/79, s. 10.

11.—(1) When an inmate is paroled, discharged or transferred to a community resource centre, the

Superintendent shall notify the inmate in writing regarding,

- (a) the place where the inmate's property may be claimed;
- (b) the period during which the property will be held by the Superintendent for the inmate after parole or discharge; and
- (c) the proposed disposition of the property in the event that it is not claimed by the inmate.

(2) An inmate receives sufficient notice under subsection (1) if the notice is delivered personally to the inmate or sent by registered mail to the inmate's forwarding address.

(3) Any property of an inmate that remains unclaimed for ninety days after the notice has been delivered or mailed to the inmate may be disposed of by the Superintendent in the following manner:

- 1. In the case of property having significant resale value, by forwarding the property to the Minister.
- 2. In the case of useful property that does not have any significant resale value, by donating the property to any person or organization that undertakes to use it for a charitable purpose.
- 3. In the case of any other property, by destroying it.

(4) Unclaimed property that has been forwarded to the Minister may be disposed of in any manner that the Minister considers appropriate.

(5) Any money belonging to an inmate that is not claimed and all proceeds from the disposition of unclaimed property shall be deposited in the Consolidated Revenue Fund. O. Reg. 243/79, s. 11.

12.—(1) Where an inmate becomes absent without authority from an institution, all property in the institution belonging to the inmate, except perishable property, shall be retained by the Superintendent, and if the property has not been claimed by the inmate within twelve months following the date that the inmate became absent, the property may be disposed of pursuant to section 11.

(2) All perishable property belonging to an inmate who becomes absent without authority from the institution may be immediately disposed of by the Superintendent in any manner that the Superintendent considers appropriate.

(3) The Superintendent shall keep a record of all unclaimed property of an inmate that is disposed of under this Regulation and the record shall include,

- (a) the name of the inmate who owned the property;
 - (b) a description of the property disposed of;
 - (c) the person or organization in receipt of the property; and
 - (d) the proceeds of the disposition, if any.
- O. Reg. 243/79, s. 12.

*VISITING PRIVILEGES

13. No person, including a visitor and any person accompanying a visitor, shall be present on the premises of an institution without the approval of the Superintendent and the Superintendent may impose such conditions and limitations upon the person while on the premises of the institution as the Superintendent considers necessary to ensure the safety of employees and inmates and the security of the institution. O. Reg. 243/79, s. 13.

14.—(1) An inmate shall be permitted visits from a minister of religion, a volunteer or from the inmate's solicitor during reasonable hours.

(2) In addition to the visits permitted under subsection (1), an inmate serving a sentence of imprisonment shall be permitted at least one visit each week.

(3) In addition to the visits permitted under subsection (1), an inmate not serving a sentence of imprisonment shall be permitted at least two visits each week.

(4) No child under the age of sixteen years shall be permitted access to an institution to visit an inmate unless,

- (a) the child is accompanied by an adult; or
- (b) permission is granted by the Superintendent for the child to visit the inmate unaccompanied.

(5) Notwithstanding subsections (1), (2), (3) and (4), a Superintendent may suspend all visiting privileges if the Superintendent is of the opinion that a state of emergency exists at the institution. O. Reg. 243/79, s. 14.

15. No visitor to an institution shall,

- (a) communicate with an inmate;
- (b) sketch or take photographs; or

- (c) receive, give, trade or sell any article to or from an inmate,

without the approval of the Superintendent. O. Reg. 243/79, s. 15.

CORRESPONDENCE PRIVILEGES

16. An inmate shall be permitted to send one letter upon admission to an institution and at least two letters each week thereafter and, where the inmate has not been awarded a weekly incentive allowance, the inmate shall be given sufficient stationery and postage in order to send the letters. O. Reg. 243/79, s. 16.

17. All letters and parcels sent to or from an inmate may be read or inspected by the Superintendent or by an employee designated by the Superintendent for that purpose, and the Superintendent may refuse to forward any letter or parcel or may delete part of a letter if, in the opinion of the Superintendent, the contents are prejudicial to the best interests of the recipient or are prejudicial to the public safety or the security of the institution. O. Reg. 243/79, s. 17.

18.—(1) Notwithstanding section 17, an inmate shall be permitted to send and receive letters from,

- (a) the inmate's lawyer;
- (b) a member of the Legislative Assembly of Ontario;
- (c) a member of the Parliament of Canada; and
- (d) the Deputy Minister of Correctional Services.

(2) Any letter referred to in subsection (1) may be read and inspected for contraband, but, in any case, the letter shall be forwarded without delay or deletion to the addressee. O. Reg. 243/79, s. 18.

19. Notwithstanding section 17, the Superintendent shall ensure that any letter,

- (a) addressed to the Ombudsman or Correctional Investigator of Canada from an inmate; or
- (b) addressed to an inmate from the Ombudsman or Correctional Investigator of Canada,

is immediately forwarded unopened to the addressee. O. Reg. 243/79, s. 19.

INCENTIVE ALLOWANCES

20.—(1) Every inmate shall perform work in the institution and participate in any institutional program to which the inmate is assigned unless the inmate is

medically exempt from performing the work or participating in the program.

(2) The Superintendent of an institution shall,

- (a) keep a record, on a daily basis, of the work and conduct of each sentenced inmate; and
- (b) classify each inmate for the purpose of determining the weekly incentive allowance under subsection (3).

(3) Where, in the opinion of the Superintendent, the work and conduct of a sentenced inmate who is serving a sentence of more than ninety days are satisfactory, the Superintendent may award the inmate a weekly incentive allowance in an amount corresponding to the classification of the inmate in the following Table:

TABLE

WEEKLY INCENTIVE ALLOWANCE TO INMATES

Classification of Inmate	Weekly Savings Portion	Weekly Spending Portion
Grade 1	\$1.80	\$2.80
Grade 2	2.25	3.35
Grade 3	2.70	4.05
Grade 4	3.10	4.65

(4) Where an inmate has damaged or destroyed any property of an institution, the Minister may direct that an amount be deducted from the total weekly incentive allowance standing to the credit of the inmate as compensation for the damage or destruction.

(5) When an inmate is paroled or discharged from an institution, the total weekly incentive allowance standing to the credit of the inmate shall be paid to the inmate and the Minister may grant the inmate a gratuity or such other assistance as may aid in the inmate's rehabilitation. O. Reg. 243/79, s. 20.

MONEY EARNED WHILE IN CUSTODY

21.—(1) Every inmate while in custody at an institution shall forward or cause to be forwarded to the Superintendent all money earned by the inmate from work performed and the Superintendent shall hold the money in trust for the inmate during the period that the inmate is in custody at the institution.

(2) The Superintendent shall not disburse or deduct any amount from the moneys held in trust for an inmate except,

- (a) a fee of \$6.00 per day to be paid to the Ministry as partial reimbursement for the cost of food, lodging and clothing supplied to the inmate by the institution;
 - (b) the amount of any deduction or payment required by law; or
 - (c) an amount in accordance with a request made by the inmate and approved by the Superintendent.
- (3) Where an inmate has dependants, the inmate, in consultation with the Superintendent, shall determine an amount to be deducted from the moneys held in trust for the inmate as support payments to the inmate's dependants.
- (4) The Superintendent shall deposit all money received by him under subsection (1) into a trust account at a Province of Ontario Savings Office or an Ontario branch of a chartered bank or a corporation registered under the *Loan and Trust Corporations Act* and authorized by law to accept deposits.
- (5) Upon parole or discharge from the institution, the Superintendent shall pay to the inmate all moneys held in trust for the inmate less any disbursements or deductions authorized under subsection (2). O. Reg. 243/79, s. 21.

SEARCHES

- 22.—(1) The Superintendent may authorize a search, at any time, of,
- (a) the institution or any part of the institution;
 - (b) the person of an inmate;
 - (c) the property of an inmate; or
 - (d) any vehicle located on the premises of the institution.
- (2) Where the Superintendent has reasonable cause to believe that an employee is bringing or attempting to bring contraband into or out of the institution, the Superintendent may authorize a search of the person or any property of the employee that is located on the premises of the institution.
- (3) An officer may conduct an immediate search without the authorization of the Superintendent where the officer has reasonable cause to believe that the inmate will destroy or dispose of contraband during the delay necessary to obtain the authorization. O. Reg. 243/79, s. 22.

23. No inmate shall be searched by a person of the opposite sex unless,

- (a) the person is a health care professional; or
- (b) the person is an officer who has reasonable cause to believe that an immediate search is necessary because the inmate is concealing contraband that is dangerous or harmful. O. Reg. 243/79, s. 23.

24.—(1) Any person conducting a search during which an inmate is required to undress shall conduct the search in a place and manner such that the inmate is not subject to embarrassment or humiliation.

(2) Every manual search of an inmate's rectal or vaginal areas shall be conducted by a health care professional. O. Reg. 243/79, s. 24.

25.—(1) The Superintendent shall ensure that a written record is made of every inmate search and the record shall include,

- (a) the name of the inmate searched;
- (b) the reason for the search; and
- (c) a description of any property seized or damaged in the search.

(2) The Superintendent shall inform an inmate of any seizure or damage to property belonging to the inmate arising from a search conducted without the knowledge of the inmate. O. Reg. 243/79, s. 25.

26. An inmate who refuses to be searched or resists a search may be placed in segregation until the inmate submits to the search or until there is no longer a need to search the inmate. O. Reg. 243/79, s. 26.

INMATE COMPLAINTS

27. Where an inmate alleges that the inmate's privileges have been infringed or otherwise has a complaint against another inmate or employee, the inmate may make a complaint in writing to the Superintendent. O. Reg. 243/79, s. 27.

INMATE MISCONDUCT

28.—(1) An inmate commits a misconduct if the inmate,

- (a) wilfully disobeys a lawful order of an officer;
- (b) commits or threatens to commit an assault upon another person;
- (c) makes a gross insult, by gesture, use of abusive language, or other act, directed at any person;

- (d) takes or converts to the inmate's own use or to the use of another person any property without the consent of the rightful owner of the property;
- (e) wilfully damages any property that is not owned by the inmate;
- (f) has contraband in his possession or attempts to or participates in an attempt to bring contraband in or take contraband out of the institution;
- (g) creates or incites a disturbance likely to endanger the security of the institution;
- (h) escapes, attempts to escape or is unlawfully at large from an institution;
- (i) leaves a cell, place of work or other appointed place without proper authority;
- (j) gives or offers a bribe or reward to an employee of the institution;
- (k) counsels, aids or abets another inmate to do an act in contravention of the Act and regulations;
- (l) refuses to pay a fee or charge that the inmate is required to pay under the Act or regulations;
- (m) obstructs an investigation conducted or authorized by the Superintendent;
- (n) wilfully breaches or attempts to breach any other regulation or a written rule, of which the inmate has received notice, governing the conduct of inmates; or
- (o) wilfully breaches or attempts to breach any term or condition of a temporary absence.

(2) An inmate shall be deemed to have received notice of a regulation or rule governing the conduct of inmates when the regulation or rule is included in the handbook provided to the inmate or posted in a conspicuous place in the institution.

(3) No inmate shall be disciplined for any breach of the written rules governing the conduct of inmates except by the Superintendent. O. Reg. 243/79, s. 28.

29.—(1) Where an inmate is alleged to have committed a misconduct that also constitutes an indictable offence under an Act of Parliament, the Superintendent shall consult with the local Crown Attorney to determine whether the case should be dealt with by the Crown Attorney under the criminal law or by the Superintendent as a matter of internal discipline.

(2) Where a prosecution is commenced against an inmate by the Crown Attorney, all internal disciplinary action against the inmate relating to the alleged misconduct shall be discontinued. O. Reg. 243/79, s. 29.

30.—(1) Where an inmate is alleged to have committed a misconduct, the Superintendent shall decide, as soon as possible, and, in any case, not later than seven days after the day on which the alleged offence occurred, whether or not the misconduct has been committed.

(2) Before making a decision under subsection (1), the Superintendent shall ensure that the inmate is notified of the allegation against him and is given an opportunity for an interview with the Superintendent to discuss the allegation.

(3) At the interview with the Superintendent, the inmate is entitled to present arguments and explanations to dispute the allegation and to question the person or persons making the allegation as well as any other witnesses to the incident.

(4) The Superintendent may permit any person, including an interpreter, to attend the interview and assist in any manner that the Superintendent considers appropriate.

(5) The Superintendent shall inform the inmate within two days after the day of the interview concerning the Superintendent's decision, the reasons for the decision and the penalty imposed, if any.

(6) Where the inmate does not notify the Superintendent within one day of receiving notification of the allegation under subsection (2) that the inmate wishes an interview with the Superintendent, the Superintendent may decide the matter and shall inform the inmate of the decision, the reasons for the decision and the penalty imposed, if any.

(7) After making the decision under subsection (5) or (6), the Superintendent shall make a record of the case noting the nature of the allegation, the arguments and explanations presented by the inmate, if any, and the decision, reasons and penalty imposed by the Superintendent in the case.

(8) Where an inmate who is alleged to have committed a misconduct is absent from the institution, a reasonable attempt to notify the inmate shall constitute sufficient notice for the purpose of this section. O. Reg. 243/79, s. 30.

31.—(1) Where the Superintendent determines that an inmate has committed a misconduct, the Superintendent may impose one or more of the following penalties:

1. Loss of all or some privileges for a period not greater than 120 days.
2. A change of program or work activity.

3. A change of classification relating to the incentive allowance.
4. A change of security status.
5. A reprimand.
6. Revocation of a temporary absence permit.

(2) Where the Superintendent determines that an inmate has committed a misconduct of a serious nature, the Superintendent may impose, in addition to any of the penalties imposed in subsection (1), one of the following penalties:

1. Close confinement for a definite period not greater than thirty days on a regular diet.
2. Close confinement for an indefinite period not greater than thirty days on a regular diet.
3. Close confinement for an indefinite period not greater than ten days on a special diet that fulfills basic nutritional requirements.
4. Forfeiture of a portion or all of the remission that stands to the inmate's credit but no such forfeiture shall exceed fifteen days without the Minister's approval.
5. Subject to the approval of the Minister, suspension of the eligibility of an inmate to earn remission for a period of two months. O. Reg. 243/79, s. 31.

32.—(1) The Minister, when requested by an inmate, may review a decision of the Superintendent where,

- (a) the inmate alleges that the Superintendent did not make the decision in accordance with the procedures set out in this Regulation; or
- (b) the inmate has been disciplined by having a portion or the whole of his or her remission forfeited or by receiving a suspension from eligibility to earn remission.

(2) The Superintendent, upon being notified of the Minister's review, shall immediately provide the Minister with a copy of his record of the inmate's case.

(3) Upon completion of the review, the Minister may confirm or vary the decision of the Superintendent or direct the Superintendent to reconsider the case, and the Minister shall forthwith notify the inmate and the Superintendent of the decision and the reasons therefor.

(4) The decision of the Minister is final. O. Reg. 243/79, s. 32.

SEGREGATION

33.—(1) The Superintendent may place an inmate in segregation if,

- (a) in the opinion of the Superintendent, the inmate is in need of protection;
- (b) in the opinion of the Superintendent, the inmate must be segregated to protect the security of the institution or the safety of other inmates;
- (c) the inmate is alleged to have committed a misconduct of a serious nature; or
- (d) the inmate requests to be placed in segregation.

(2) When an inmate is placed in segregation under clause (1) (c), the Superintendent shall conduct a preliminary review of the inmate's case within twenty-four hours after the inmate has been placed in segregation and where the Superintendent is of the opinion that the continued segregation of the inmate is not warranted, the Superintendent shall release the inmate from segregation.

(3) The Superintendent shall review the circumstances of each inmate who is placed in segregation at least once in every five-day period to determine whether the continued segregation of the inmate is warranted.

(4) An inmate who is placed in segregation under this section retains, as far as practicable, the same benefits and privileges as if the inmate were not placed in segregation.

(5) Where an inmate is placed in segregation for a continuous period of thirty days, the Superintendent shall report to the Minister the reasons for the continued segregation of the inmate. O. Reg. 243/79, s. 33.

TEMPORARY ABSENCE

34. Every Superintendent is hereby designated as an officer under the Act for the purpose of authorizing the temporary absence of an inmate from a correctional institution. O. Reg. 243/79, s. 34.

35.—(1) Every inmate is eligible to be lawfully absent from an institution during the inmate's term of imprisonment under the authority of a temporary absence permit issued by the Superintendent in accordance with the Act, regulations and any instructions issued from time to time by the Minister.

(2) Every temporary absence granted to an inmate is a privilege conferred upon the inmate for a specific purpose and the Superintendent may cancel a temporary absence permit where the purpose for which the permit was issued has been fulfilled or where the purpose has been presented in such a manner that it cannot be fulfilled. O. Reg. 243/79, s. 35.

36. Every request by an inmate for a temporary absence permit shall be submitted in writing to the Superintendent of the institution in which the inmate is

confined and shall set out the reasons for the request. O. Reg. 243/79, s. 36.

37.—(1) The Superintendent shall appoint a committee, to be known as the Temporary Absence Committee, comprised of not fewer than three persons to advise the Superintendent concerning applications for temporary absence permits that are referred to the Committee.

(2) Every request for a temporary absence permit that would authorize an inmate to be absent from an institution,

- (a) for a period greater than fifteen days; or
- (b) to become a resident in a community resource centre,

shall be referred to the Temporary Absence Committee by the Superintendent.

(3) A request referred to the Committee shall be reviewed by the Committee as soon as possible and, in any case, not later than fifteen days after the Committee has received the request.

(4) An inmate is entitled to attend before the Committee to make oral representations in support of the request and the Superintendent may permit any other person, including an interpreter, to attend before the Committee for the purpose of assisting the Committee in its review.

(5) As soon as possible and, in any case, not later than seven days after the completion of the review, the Committee shall submit to the Superintendent a report containing,

- (a) a copy of the inmate's written request;
- (b) a summary of the inmate's representations;
- (c) a recommendation whether the request should be accepted, rejected or modified; and
- (d) reasons for the recommendation.

(6) After considering the request for a temporary absence permit and, where the Committee has reviewed the request, the report of the Committee, the Superintendent may,

- (a) authorize the temporary absence with or without conditions;
- (b) deny the request for a temporary absence; or
- (c) defer the decision.

(7) The Superintendent shall give written notice to the inmate of his decision and the reasons for the decision as soon as possible and, in any case, not later than seven days after making the decision.

(8) Where the Superintendent believes on reasonable and probable grounds that an inmate has breached or attempted to breach a term or condition of the temporary absence, the Superintendent may order the inmate to return immediately to the correctional institution for the purpose of determining whether the misconduct has been committed and whether the temporary absence permit should be revoked. O. Reg. 243/79, s. 37.

38.—(1) Where the Superintendent denies a request for a temporary absence that has been reviewed by the Temporary Absence Committee, the inmate may, in writing, apply to the Minister to conduct a further review of the inmate's request for a temporary absence permit and the inmate shall set out therein the reasons for the application and any new information or submissions in support of the request for a temporary absence.

(2) Where an inmate applies to the Minister for a further review under subsection (1), the Superintendent, upon being notified of the inmate's application, shall immediately provide the Minister with a copy of,

- (a) the report of the Temporary Absence Committee; and
- (b) the Superintendent's decision and reasons.

(3) Upon completion of the review, the Minister may,

- (a) authorize the temporary absence with or without conditions;
- (b) deny the request for a temporary absence; or
- (c) defer the decision,

and the Minister shall forthwith notify the Superintendent and the inmate of the decision and the reasons for the decision.

(4) The decision of the Minister is final. O. Reg. 243/79, s. 38.

39. Every person to whom the Ministry permits the release of a pre-sentence report, a post-sentence report, a psychiatric report, a psychological assessment, or a copy of any other Ministry document shall pay to the Ministry the fee set out below as partial reimbursement to the Ministry of the cost of preparing and producing the report, assessment or document:

1. For psychiatric reports or psychological assessments	\$80.00
2. For pre-sentence or post-sentence reports	25.00
3. For photocopying . . . . .	.50 per page

PART II

PAROLE

40.—(1) The portion of the term of imprisonment that an inmate must serve before parole may be granted is one-third of the total term of imprisonment imposed upon the inmate.

(2) Notwithstanding subsection (1), the Board may parole an inmate at any time where, in the opinion of the Board, compelling or exceptional circumstances exist that warrant the inmate's parole.

(3) Every inmate sentenced to imprisonment in an institution shall be notified in writing by the Board or the Ministry of the inmate's parole eligibility date no later than two months after the date on which the inmate was sentenced. O. Reg. 243/79, s. 40.

41.—(1) Where an inmate is serving a term of imprisonment of less than six months, the inmate may apply to the Board at any time after the parole eligibility date for parole.

(2) The Board is not required to hold a hearing before considering and deciding upon an application for parole referred to in subsection (1). O. Reg. 243/79, s. 41.

42.—(1) Where an inmate is serving a term of imprisonment of six months or more, the Board shall consider the inmate for parole after the parole eligibility date notwithstanding that the inmate has not applied for parole.

(2) An inmate referred to in subsection (1) is entitled to a hearing before the Board unless the inmate, in writing, waives the right to the hearing, but if the inmate subsequently revokes the waiver before the Board makes a decision regarding the parole, the Board shall proceed to conduct a hearing of the matter. O. Reg. 243/79, s. 42.

43.—(1) Where the Board conducts a hearing to determine whether or not an inmate is a suitable inmate to be granted parole, the Board may obtain and consider any information that the Board considers useful and relevant regarding the character, abilities and prospects of the inmate, and in particular the Board may obtain and consider,

- (a) particulars of the inmate's trial, conviction and sentence;
- (b) particulars of the inmate's criminal record;
- (c) information from persons knowledgeable about the inmate's background and living conditions before the inmate was confined in the institution;
- (d) a report from the Superintendent of the institution assessing the progress made by the inmate towards rehabilitation; and

(e) a report from a health care professional concerning the physical condition and mental health of the inmate.

(2) The Board shall give each inmate an opportunity to attend before it at the hearing to present arguments and submissions on his own behalf.

(3) Upon consideration of the matters referred to in subsection (1), and the arguments and submissions of the inmate, the Board may,

- (a) grant parole upon such terms and conditions as it considers necessary;
- (b) defer its decision; or
- (c) refuse to grant parole,

and the Board shall notify the inmate in writing of its decision and the reasons for the decision. O. Reg. 243/79, s. 43.

44. An inmate who is aggrieved by a decision of the Board may apply to the Board for a new hearing and a review of the decision and the Board shall decide whether or not to grant the hearing and review and shall notify the inmate forthwith. O. Reg. 243/79, s. 44.

45.—(1) An inmate who has received parole shall not be released from an institution until a certificate of parole in Form 1 has been completed and signed by the inmate.

(2) Notwithstanding subsection (1), the Board may authorize the release of an inmate before the certificate of parole has been completed and signed where the Board is of the opinion that compelling or exceptional circumstances warrant the early release of the inmate. O. Reg. 243/79, s. 45.

46. It is a condition of every grant of parole, unless the Board orders otherwise, that the parolee shall,

- (a) keep the peace and be of good behaviour;
- (b) remain within the jurisdiction of the Board;
- (c) notify the Board or his parole officer of every change of address or employment;
- (d) report regularly to his parole officer or the local police force; and
- (e) refrain from associating with any person who is engaged in criminal activity or, unless approved by his parole officer, with any person who has a criminal record. O. Reg. 243/79, s. 46.

47.—(1) A parolee shall deliver a report in Form 2 to the parolee's parole supervisor when the parolee arrives at his destination.

(2) A parolee shall report to the local police force when the parolee arrives at his destination. O. Reg. 243/79, s. 47.

48. A parolee shall on the first day of every month until the parolee's final release forward by mail to his parole supervisor a report in Form 3 and thereafter the parolee shall report to a probation or parole officer at least once every month. O. Reg. 243/79, s. 48.

49.—(1) The warrant referred to in section 38 of the Act shall be in Form 4.

(2) Where the Board reviews the parole of an inmate who has been apprehended under subsection 38 (1) of the Act, the Board shall ensure that the inmate has been informed of the reasons for the apprehension and that the inmate is given an opportunity to provide information or make submissions to the Board on his own behalf in order to assist the Board in its review of the parole. O. Reg. 243/79, s. 49.

50. Where the Board has granted parole to an inmate to permit the deportation of the inmate, the Board may remit any remaining portion of the inmate's term of imprisonment. O. Reg. 243/79, s. 50.

PART III

COMMUNITY RESOURCE CENTRES

51.—(1) The director of a community resource centre is responsible for the management of the centre and for the care, health, discipline, safety and custody of the inmates under the director's authority, and, without limiting the generality of the foregoing, the director shall,

- (a) supervise the admission and release of each inmate from the centre;

- (b) supervise the disposition of inmate property; and

- (c) supervise the admission and conduct of persons visiting the centre.

(2) The director shall,

- (a) administer the community resource centre in accordance with the Act, the regulations, the agreement between the centre and the Ministry, and any instructions issued from time to time by the Minister to the director; and

- (b) ensure that inmates are informed of their duties and privileges while in custody at the community resource centre. O. Reg. 243/79, s. 51.

52. The provisions of this Regulation governing the disposition of inmate property apply, with necessary modifications, to the property of an inmate who is admitted to a community resource centre. O. Reg. 243/79, s. 52.

53. The provisions of this Regulation governing the management of money earned by an inmate while in custody at a correctional institution apply, with necessary modifications, to the management of money earned by an inmate while in custody at a community resource centre. O. Reg. 243/79, s. 53.

54. There shall be an inspection or investigation by the Ministry of every community resource centre from time to time and, in any event, at least once in each year and each director shall provide access and assist an inspector from the Ministry as fully as possible in the conduct of an inspection or investigation. O. Reg. 243/79, s. 54.

Form 1

Ministry of Correctional Services Act

CERTIFICATE OF PAROLE

Under the *Ministry of Correctional Services Act* and the regulations, the Board of Parole releases

.....
(name)

hereafter called the parolee, who was on the day of, 19.....

sentenced to a sentence of

and is now serving that sentence, to be released from

.....
(name of correctional institution)

upon the following conditions of parole:

1. The parolee shall proceed at once to

for employment and shall reside at

and shall there work and reside, if practicable, during the period of his parole.

2. Where the parolee finds it desirable to change his employment or residence, he shall first obtain the written consent of the Board of Parole through his supervisor.

3. The parolee shall, on the first day of every month, until his final release, forward by mail to his supervisor a report in Form 3.

4. The parolee shall keep the peace, be of good behaviour and, unless otherwise authorized, remain within the Province of Ontario.

5. The parolee, unless exempted, shall pay to the Ministry a fee of \$25.00 per month as partial reimbursement for the cost of his parole supervision.

6. The parolee shall abide all instructions that may be given by his supervisor particularly with regard to personal or family responsibilities, employment, associations, hours, use of intoxicants, and operation of motor vehicles, and he shall strictly obey the law. The parolee must report to his supervisor any association with persons having a criminal record.

7. As soon as possible after reaching his destination, the parolee shall report regularly to

and at once enter the employment stated in paragraph 1 of these conditions and he shall also report by mail in Form 2 to his supervisor his arrival at his destination, giving his exact residence address.

8. The parolee's supervisor while on parole is

Given in triplicate thisday of, 19.....
by authority of the Board of Parole.

.....
(Chairman or other official designated by him)

Valid only when countersigned by
(Superintendent of correctional institution)

I have carefully read, and understand the conditions and contents of this certificate of parole and I accept my release thereunder and pledge myself honestly to comply with the conditions therein. I also understand that if I violate the conditions of my parole, I may be returned to a correctional institution to serve the portion of my term of imprisonment, including any remission, that remained unexpired at the time parole was granted.

Signed in triplicate thisday of, 19.....
.....
(parolee)

Form 2

Ministry of Correctional Services Act

REPORT OF ARRIVAL OF PAROLEE AT DESTINATION

To: The officer designated by the Board of Parole as supervisor of parolee:

I report that I have arrived at my destination and my exact residence address is

The name and address of my employer is

Dated at this day of, 19

(signature of parolee)

O. Reg. 243/79, Form 2.

Form 3

Ministry of Correctional Services Act

MONTHLY REPORT OF PAROLEE

Name			
Address			
City/Postal Code/Phone			
Employer/School			
Address			
City/Postal Code/Phone			
Type of Work			
Days Worked	Wages \$	day week per month	Present Savings \$
Reason for Unemployment			

Problems (Employment/Family/Parole Supervisor/Police)	
Parolee Signature	Date
Endorsed by	Relationship
Signature	Address
Probation/Parole officer's comments	
Causes for Concern	
Probation/Parole officer's signature	
Address/City/Postal Code	

O. Reg. 243/79, Form 3.

Form 4

Ministry of Correctional Services Act

WARRANT

TO: Any Peace Officer

WHEREAS on the _____ day of _____, 19____
parole was granted, subject to the conditions and provisions set forth in a certificate of parole, issued under the seal
of the Board of Parole, to,

Name _____ Number _____

who was convicted of _____

on the _____ day of _____, 19____, and was then
and there sentenced to _____

and was at the date of the said certificate of parole confined in _____

AND WHEREAS, I am a person having authority under the *Ministry of Correctional Services Act* to authorize the arrest and return to a correctional institution of a person on parole, whenever I believe, on reasonable and probable grounds that the person has failed to observe any condition of his/her parole.

NOW THEREFORE, in pursuance of the authority vested in me as aforesaid, I hereby, in Her Majesty's name, command you to arrest _____ and return this person to the nearest provincial correctional facility.

Dated at _____ this _____

_____ day of _____, 19_____

A member of the Board of Parole or a person designated by the Board under section 38 of the *Ministry of Correctional Services Act*.

O. Reg. 243/79, Form 4.

REGULATION 650

under the Ministry of Correctional Services Act

INTERMITTENT SENTENCES

1.—(1) Every inmate serving a sentence in a correctional institution on an intermittent basis shall pay a fee to the Ministry set out below as partial reimbursement to the Ministry for the food, lodging and clothing supplied to the inmate by the institution:

1. Where the inmate is serving the intermittent sentence on a daily basis.....\$ 5 per day
2. Where the inmate is serving the intermittent sentence exclusively on weekends..... 10 per weekend

(2) An inmate is exempt from the requirement to pay a fee under subsection (1) where the inmate,

- (a) is a student in a school, college or university or enrolled in a course of vocational or technical training;
- (b) is not gainfully employed and is making reasonable efforts to secure gainful employment;
- (c) suffers from a physical or psychological handicap or disorder that impedes the inmate's ability to secure gainful employment; or
- (d) is exempt by order of the Minister for such reason as the Minister considers appropriate.

(3) Except where an inmate is exempt under subsection (2), every inmate who refuses or neglects to pay the fee established under this section is guilty of a misconduct within the meaning of Regulation 649 of Revised Regulations of Ontario, 1980. O. Reg. 515/78, s. 1.

REGULATION 651

under the Ministry of Culture and Recreation Act

GRANTS FOR NON-PROFIT CAMPS

INTERPRETATION

1. In this Regulation,

- (a) "camper" means a resident of Ontario under eighteen years of age on the 31st day of May in the current year in attendance at a camp for at least six consecutive nights, but does not include a person employed therein;
- (b) "non-profit program of camping" means an organized program of camping activities planned and conducted according to recognized and accepted principles of camping at a camp,
 - (i) by a non-profit organization using accommodation, equipment and facilities suitable for such a program,
 - (ii) as a service to the community during one or more months from June to September, both inclusive, and
 - (iii) where the average of the fees for campers, including free campers, is not more than \$8 a day. O. Reg. 760/76, s. 1.

GRANTS

2. Where an organization conducts a non-profit program of camping at a camp licensed under the *Public Health Act* and the Minister approves the content of the program and the accommodation, equipment and facilities for conducting the program, the organization shall be paid a grant of,

- (a) \$1.15 for each camper remaining in camp for six, seven or eight consecutive nights;
- (b) \$1.60 for each camper remaining in camp for nine, ten, eleven or twelve consecutive nights; and
- (c) \$2.50 for each camper remaining in camp for thirteen or more consecutive nights,

but the aggregate grant paid to the organization shall not exceed \$4,000 during any twelve-month period ending on the 31st day of March. O. Reg. 760/76, s. 2.

REDUCTION IN GRANTS

3. Where in any year the amount voted by the Legislature for the grants under this Regulation is insufficient to pay the grants in full, the Minister may make a *pro rata* reduction in the grants. O. Reg. 760/76, s. 3.

REGULATION 652

under the Ministry of Culture and Recreation Act

MUNICIPAL RECREATION DIRECTORS' CERTIFICATES

AND

ARENA MANAGERS' CERTIFICATES

INTERPRETATION

1. In this Regulation,

(a) "applicant" means a person who is employed,

(i) by a municipality in a professional capacity to provide a recreation service through a recreation committee or joint recreation committee authorized under the Act, or

(ii) in a program or service considered equivalent by the Minister to a recreation service referred to in subclause (i),

and who applies in writing to the Deputy Minister for an interim or permanent municipal recreation director's certificate;

(b) "approved university" means a university approved by the Minister for the purposes of this Regulation;

(c) "Deputy Minister" means the Deputy Minister of Culture and Recreation.
O. Reg. 392/71, s. 1; O. Reg. 770/79, s. 1.

INTERIM MUNICIPAL RECREATION DIRECTOR'S CERTIFICATE, TYPE A

2. Where an applicant submits to the Deputy Minister,

(a) evidence of having obtained a degree in a program in recreation approved by the Minister; or

(b) evidence of,

(i) having obtained a degree from an approved university, and

(ii) having successfully completed the one-year course in recreation approved by the Minister; or

(c) evidence of,

(i) having obtained a diploma in recreation from a college of applied arts and technology in Ontario, and

(ii) having obtained a degree from an approved university; or

(d) evidence of,

(i) having obtained from an approved university a degree in an area of study other than recreation,

(ii) having successfully completed at a college of applied arts and technology or a university, one course in each of sociology, psychology and human growth and development, and

(iii) having successfully completed the reading course in the philosophy of leisure approved by the Minister; or

(e) evidence of having completed, before the 31st day of December, 1965, the three-year in-service training course in recreation,

the Minister may grant the applicant an Interim Municipal Recreation Director's Certificate, Type A, in Form 1. O. Reg. 392/71, s. 2; O. Reg. 770/79, s. 2.

PERMANENT MUNICIPAL RECREATION DIRECTOR'S CERTIFICATE, TYPE A

3. Where an applicant submits to the Deputy Minister,

(a) an Interim Municipal Recreation Director's Certificate, Type A; and

(b) evidence of at least three years of full-time professional experience in municipal recreation,

the Minister may grant the applicant a Permanent Municipal Recreation Director's Certificate, Type A, in Form 2. O. Reg. 392/71, s. 3; O. Reg. 770/79, s. 3.

INTERIM MUNICIPAL RECREATION DIRECTOR'S CERTIFICATE, TYPE B

4. Where an applicant submits to the Deputy Minister,

- (a) evidence of the successful completion of a two-year diploma program approved by the Minister, and offered at a college of applied arts and technology in Ontario; or
- (b) evidence of such experience and of the successful completion of such other educational programs and credit courses as are together considered by the Minister to be the equivalent of the program referred to in clause (a),

the Minister may grant the applicant an Interim Municipal Recreation Director's Certificate, Type B, in Form 3. O. Reg. 392/71, s. 4.

PERMANENT MUNICIPAL RECREATION DIRECTOR'S CERTIFICATE, TYPE B

5. Where an applicant submits to the Deputy Minister,

- (a) an Interim Municipal Recreation Director's Certificate, Type B; and
- (b) evidence of at least three years of full-time professional experience in municipal recreation,

the Minister may grant the applicant a Permanent Municipal Recreation Director's Certificate, Type B, in Form 4. O. Reg. 392/71, s. 5; O. Reg. 770/79, s. 4.

VALIDITY OF INTERIM CERTIFICATES

6. An Interim Municipal Recreation Director's Certificate, Type A or Type B, is valid until it is made permanent or until it is suspended or cancelled by the Minister. O. Reg. 392/71, s. 6.

RAISING A PERMANENT MUNICIPAL RECREATION DIRECTOR'S CERTIFICATE, TYPE B, TO A PERMANENT MUNICIPAL RECREATION DIRECTOR'S CERTIFICATE, TYPE A

7. Where an applicant submits to the Deputy Minister,

- (a) a Permanent Municipal Recreation Director's Certificate, Type B; and
- (b) evidence of,
 - (i) having obtained a degree from an approved university,
 - (ii) having received the certificate referred to in clause (a) prior to the 20th day of January, 1966,
 - (iii) having completed five years of full time professional experience in

municipal recreation subsequent to the date of the certificate referred to in clause (a), or

- (iv) having completed eight years of full-time professional experience in municipal recreation,

the Minister may grant the applicant a Permanent Municipal Recreation Director's Certificate, Type A, in Form 2. O. Reg. 392/71, s. 7; O. Reg. 770/79, s. 5.

PERMANENT ARENA MANAGER'S CERTIFICATE

8. Where a person who is employed as manager of a municipal arena submits to the Deputy Minister an application for a Permanent Arena Manager's Certificate, together with evidence of,

- (a) the successful completion of the in-service training course in arena management approved by the Minister or of a course that the Minister considers equivalent thereto; and
- (b) five years of full-time experience as an arena manager,

the Minister may grant the person a Permanent Arena Manager's Certificate, in Form 5. O. Reg. 392/71, s. 8.

Form 1

Ministry of Culture and Recreation Act

INTERIM MUNICIPAL RECREATION DIRECTOR'S CERTIFICATE, TYPE A

This is to certify that, having complied with the regulations, is hereby granted an Interim Municipal Recreation Director's Certificate, Type A.

Dated at Toronto, this day of,

19

No.

Minister of Culture
and Recreation

O. Reg. 392/71, Form 1.

Form 2

Ministry of Culture and Recreation Act

PERMANENT MUNICIPAL RECREATION DIRECTOR'S CERTIFICATE, TYPE A

This is to certify that, having complied with the regulations, is hereby granted a

Permanent Municipal Recreation Director's Certificate, Type A.

Dated at Toronto, this.....day of.....,
19.....

No.

.....
Minister of Culture
and Recreation

O. Reg. 392/71, Form 2.

Form 3

Ministry of Culture and Recreation Act

**INTERIM MUNICIPAL RECREATION
DIRECTOR'S CERTIFICATE, TYPE B**

This is to certify that, having
complied with the regulations, is hereby granted an
Interim Municipal Recreation Director's Certificate,
Type B.

Dated at Toronto, this.....day of.....

19.....

No.

.....
Minister of Culture
and Recreation

O. Reg. 392/71, Form 3.

Form 4

Ministry of Culture and Recreation Act

**PERMANENT MUNICIPAL RECREATION
DIRECTOR'S CERTIFICATE, TYPE B**

This is to certify that, having
complied with the regulations, is hereby granted a
Permanent Municipal Recreation Director's Certificate,
Type B.

Dated at Toronto, this.....day of.....

19.....

No.

.....
Minister of Culture
and Recreation

O. Reg. 392/71, Form 4.

Form 5

Ministry of Culture and Recreation Act

**PERMANENT ARENA MANAGER'S
CERTIFICATE**

This is to certify that, having
complied with the regulations, is hereby granted a
Permanent Arena Manager's Certificate.

Dated at Toronto, this.....day of.....

19.....

No.

.....
Minister of Culture
and Recreation

O. Reg. 392/71, Form 5.

REGULATION 653

under the Ministry of Culture and Recreation Act

PROGRAMS OF RECREATION

INTERPRETATION

1. In this Regulation,

- (a) "assistant municipal recreation director" means a municipal employee whose full-time service is devoted to the provision and supervision of a program of recreation;
- (b) "municipal recreation director" means a municipal employee whose full-time service is devoted to the provision, supervision and direction of a program of recreation;
- (c) "population" means the population determined by reference to the municipal census of the municipality for the year two years prior to the year for which the grant is calculated, less the number of inmates in public institutions in the municipality as certified by the clerk of the municipality;
- (d) "recreation committee" means a committee appointed by a municipal council to conduct a recreation program;
- (e) "recreation program" means a program for the provision of facilities for recreation and for the supervision, encouragement and guidance of recreational activity. R.R.O. 1970, Reg. 200, s. 1.

2.—(1) Subject to the approval of the Minister,

- (a) a municipal council may by by-law appoint a recreation committee; or
- (b) two or more municipal councils of municipalities having a combined population of under 25,000 may by by-law or by-laws appoint a joint recreation committee.

(2) A recreation committee shall be composed of at least five members and not more than twelve, of whom at least two are members of the council or councils that appoint it. R.R.O. 1970, Reg. 200, s. 2.

GRANTS

3. For the purpose of legislative grants for programs of recreation, "approved maintenance and operating costs" means the cost incurred by a recreation committee in a year for,

- (a) renting and maintaining buildings, land, waterfronts or equipment;
- (b) office expenses;
- (c) supplies and expendable equipment;
- (d) advertising and publicity; and
- (e) each specific event or activity included in the general program of recreation, other than leadership salaries, and the costs included under clauses (a), (b), (c) and (d) and less fees, admissions and collections for that specific event or activity. R.R.O. 1970, Reg. 200, s. 3.

4. An annual grant shall be paid to a municipal council where,

- (a) the council has provided a recreation program during the year for which the grant is paid;
- (b) the recreation program is approved by the Minister;
- (c) the recreation committee has incurred and the council has authorized the payment of the expenditures calculated in the approved maintenance and operating cost of the recreation program and the salaries in respect of which the grant is claimed under section 5. R.R.O. 1970, Reg. 200, s. 4.

5.—(1) Subject to subsections (2) and (3) the amount of a grant for a year paid under section 4 is,

- (a) 33⅓ per cent of the salary of one municipal recreation director for the year and 33⅓ per cent of the salary of each assistant municipal recreation director for the year, but not exceeding,
 - (i) \$2,500 in respect of a municipal recreation director who holds a Permanent Municipal Recreation Director's Certificate, Type A,
 - (ii) \$2,000 in respect of a municipal recreation director who holds an Interim Municipal Recreation Director's Certificate, Type A,

- (iii) \$1,600 in respect of a municipal recreation director who holds a Permanent Municipal Recreation Director's Certificate, Type B,
 - (iv) \$1,200 in respect of a municipal recreation director who holds an Interim Municipal Recreation Director's Certificate, Type B,
 - (v) \$600 in respect of a municipal recreation director who does not hold one of the certificates referred to in subclause (i), (ii), (iii) or (iv) but who has been approved by the Minister for the purposes of the grant for that year; or
 - (vi) \$1,400 in respect of a municipal recreation director who does not hold a certificate qualifying him to be a municipal recreation director but who was, prior to the 31st day of December, 1964, approved by the Minister for the purpose of the grant for that year;
- (b) 33 $\frac{1}{3}$ per cent of the salary of each person, excluding municipal recreation directors and assistant municipal recreation directors, employed by the recreation committee for the purpose of program leadership or secretarial service, but not exceeding \$500 in respect of each person so employed; and
- (c) 25 per cent of the approved maintenance and operating costs for the year, but not exceeding \$1,000.
- (a) of under 25,000 shall not exceed,
 - (i) \$5,000 under clauses (1) (a) and (b), and
 - (ii) \$6,000 under subsection (1);
 - (b) of 25,000 or more but under 75,000 shall not exceed,
 - (i) \$8,000 under clauses (1) (a) and (b), and
 - (ii) \$9,000 under subsection (1);
 - (c) of 75,000 or more but under 200,000 shall not exceed,
 - (i) \$11,000 under clauses (1) (a) and (b), and
 - (ii) \$12,000 under subsection (1); and
 - (d) of 200,000 or more shall not exceed,
 - (i) \$14,000 under clauses (1) (a) and (b), and
 - (ii) \$15,000 under subsection (1). R.R.O. 1970, Reg. 200, s. 5.

(2) The expenditures used in the calculation of a grant under subsection (1) for a year shall be those incurred in the preceding year.

(3) The total grant for a municipality with a population,

6. Where a program of recreation that does not qualify for a grant under section 4 is conducted in territory without municipal organization or on a reserve within the meaning of the *Indian Act* (Canada), with the approval of the Minister, a special grant not exceeding \$5,000, may be paid. R.R.O. 1970, Reg. 200, s. 6.

REDUCTION IN GRANTS

7. Where in any year the amount voted by the Legislature for the grants under this Regulation is insufficient to pay the grants in full, the Minister may make a *pro rata* reduction. R.R.O. 1970, Reg. 200, s. 7.

REGULATION 654

under the Ministry of Health Act

BURSARIES AND FELLOWSHIPS FOR HEALTH STUDY

INTERPRETATION

1. In this Regulation,

- (a) "applicant" means an applicant for a bursary or fellowship for educational and training purposes in respect of health;
- (b) "bursary" means a loan for educational and training purposes in respect of health to assist in the financing of studies at a school or at an institution other than a degree-granting college or university, repayable by the performance of agreed upon services to the public;
- (c) "fellowship" means a loan for educational and training purposes in respect of health to assist in the financing of a program of advanced study or research at a university or health institution approved by the Minister repayable by the performance of agreed upon services to the public. O. Reg. 691/73, s. 1.

APPLICATION

2. The Minister may provide a bursary or fellowship for educational and training purposes in respect of health to a person who,

- (a) makes application in writing to the Minister on an approved form, stating,
 - (i) the program of study he proposes to undertake selected from those set out in column 1 of the Schedule,
 - (ii) the university, school or institution at which he proposes to undertake the program of study, and
 - (iii) the number of academic years required to complete the program of study; and
- (b) submits with his application evidence that he has the qualifications required to undertake the program of study and has been accepted by the university, school or institution to begin his program of study on a date that shall be specified. O. Reg. 691/73, s. 2.

3.—(1) There shall be the following classes of loans in the form of bursary or fellowship assistance:

- 1. Group 1—Consisting of loans to enable persons to undertake the programs of study set out in Part 1 of the Schedule.
- 2. Group 2—Consisting of loans to enable persons to undertake the programs of study set out in Part 2 of the Schedule.
- 3. Group 3—Consisting of loans to enable persons to undertake the programs of study set out in Part 3 of the Schedule.
- 4. Group 4—Consisting of loans to enable persons to undertake the programs of study set out in Part 4 of the Schedule.
- 5. Group 5—Consisting of loans to enable persons to undertake the program of study set out in Part 5 of the Schedule.

(2) A bursary or fellowship shall be available to a successful applicant for any one of the programs of study set out in column 1 of an item of the Schedule, in respect of the number of academic years set opposite thereto in column 2 of the item, in an amount for each academic year not exceeding that amount set opposite thereto in column 3 of the item. O. Reg. 691/73, s. 3.

CONDITION

4. The provision of a bursary or fellowship to an applicant who qualifies for any of the programs set out in the Schedule is subject to the condition that the applicant shall give a written undertaking to the Minister in which he agrees,

- (a) that upon completion of his academic year, or years, as the case may be, of training, he will return service, or engage in employment, or enter or set up a practice in a designated area in Ontario that is satisfactory to the Minister for a period of,
 - (i) twelve months, or

- (ii) where the program of study selected from the Schedule is Psychiatry, six months,

for each year of study or training for which he receives bursary or fellowship assistance;

(b) that if he,

- (i) does not successfully complete the academic year, or years, as the case may be, of study or training for which bursary or fellowship assistance is given, or

- (ii) does not fulfill the undertaking described in clause *a* to the satisfaction of the Minister,

he will repay to the Minister upon demand the amount, or amounts, of the bursary or fellowship assistance received by him under all agreements together with interest

as specified in the agreement or agreements thereon;

- (c) that where repayment is demanded, he will repay the bursary or fellowship assistance as agreed above, in an amount that bears the same relation to the amount of assistance received as the period of service or employment not completed bears to the months of service or employment required under the agreement; and

- (d) that any money that is repayable together with interest thereon may be recovered against him in a court of competent jurisdiction as a debt owing to the Crown in the right of the Province. O. Reg. 691/73, s. 4.

LIMITATION

5. No person shall be awarded more than one fellowship or bursary during one academic year under this Regulation. O. Reg. 691/73, s. 5.

Schedule

LIST OF PROGRAMS OF STUDY AND AMOUNTS AVAILABLE

PART 1

GROUP 1 LOANS

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Program of Study	Number of Academic Years	Maximum Amount Available for each Academic Year
1.	Diploma in Public Health	1	\$2,700 plus tuition
2.	Diploma in Dental Public Health	1	\$2,700 plus tuition
3.	Diploma in Epidemiology and Community Health	2	\$2,700 plus tuition
4.	Master of Science (Clinical Epidemiology or Health Care Research Methods)	2	\$2,700 plus tuition

PART 2
GROUP 2 LOANS

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Program of Study	Number of Academic Years	Maximum Amount Available for each Academic Year
1.	Post Baccalaureate studies in Hospital or Health Administration	1	\$2,000 plus tuition
2.	Post Baccalaureate studies in Pharmacy leading to University Degree	2	\$2,000 plus tuition
3.	Post Baccalaureate studies in Social Work leading to Masters Degree	1	\$2,000 plus tuition
4.	Post Baccalaureate studies in Nursing leading to Masters Degree	2	\$2,000 plus tuition
5.	Post Baccalaureate studies in Nutrition leading to Masters Degree	2	\$2,000 plus tuition
6.	Post Baccalaureate studies in Speech Pathology and Audiology	2	\$2,000 plus tuition
7.	Post Baccalaureate studies in Occupational Therapy or Physiotherapy	2	\$2,000 plus tuition
8.	Post Baccalaureate studies in Vocational and Rehabilitation Counselling	2	\$2,000 plus tuition

PART 3
GROUP 3 LOANS

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Program of Study	Number of Academic Years	Maximum Amount Available for each Academic Year
1.	Dental Hygiene	1	\$1,400 plus tuition
2.	Nursing Certificate or Diploma in Education or Administration	1	\$1,400 plus tuition
3.	Public Health Nursing Certificate or Diploma	1	\$1,000 plus tuition if program of studies undertaken at University of Toronto, \$1,575 plus tuition if undertaken elsewhere
4.	Bachelor of Science Degree in Nursing	2	\$1,400 plus tuition
5.	Occupational Therapy or Physiotherapy	2	\$1,400 plus tuition
6.	Certificate in Public Health Inspection	2	\$1,400 plus tuition
7.	Nurse Practitioner Certificate	1	\$1,000 plus tuition

PART 4

GROUP 4 LOANS

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Program of Study	Number of Academic Years	Maximum Amount Available for each Academic Year
1.	Undergraduate Medical	2	\$3,000
2.	Undergraduate Dental	2	\$3,000
3.	Psychiatry	2	\$3,000
4.	Orthoptic Technician	2	\$1,000

PART 5

GROUP 5 LOANS

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Program of Study	Number of Years	Maximum Amount Available for each Year
1.	Health Research (Fellowships)	3	\$5,000 to \$20,500

O. Reg. 691/73, Sched.; O. Reg. 408/74, s. 1; O. Reg. 351/75, s. 1; O. Reg. 1000/75, s. 1; O. Reg. 210/77, s. 1.

REGULATION 655

under the Ministry of Health Act

CHEST DISEASES CONTROL CLINICS

INTERPRETATION

1. In this Regulation,

- (a) "clinic" means a chest diseases control clinic established under section 2;
- (b) "clinic director" means the director of a clinic appointed under section 3;
- (c) "Director" means the Executive Director of Health Programs Division of the Ministry or an officer of the Ministry designated by the Minister to act for the Executive Director;
- (d) "tuberculin test" means the introduction into the skin of a person of a substance approved under the *Food and Drugs Act* (Canada) for the purpose of detecting sensitivity of that person to the tubercle bacillus. O. Reg. 39/76, s. 1.

2.—(1) The Minister may establish, maintain and operate chest diseases control clinics for the diagnosis, surveillance and treatment of tuberculosis and the diagnosis and surveillance of other respiratory diseases.

(2) Any person may be examined and tested for tuberculosis or other respiratory diseases at a clinic,

- (a) upon the request of a municipal or provincial health officer;
- (b) upon referral by a legally qualified medical practitioner; or
- (c) in accordance with any general public invitation as made by the director of the clinic,

and may be given such drugs and treatment for tuberculosis as the clinic director considers advisable. O. Reg. 39/76, s. 2.

3. The Director,

- (a) shall designate one or more legally qualified medical practitioners who are members of the staff of the Ministry; and
- (b) may appoint, with the approval of the Deputy Minister, one or more legally

qualified medical practitioners who are not members of the staff of the Ministry,

as clinic directors. O. Reg. 39/76, s. 3.

4. A clinic director is responsible for the operation of his clinic and the functioning of its staff. O. Reg. 39/76, s. 4.

5. Any test or examination for tuberculosis or other respiratory diseases at a clinic may be performed by the clinic director or a legally qualified medical practitioner or a nurse authorized by the clinic director. O. Reg. 39/76, s. 5.

6.—(1) No tuberculin test shall be given in a clinic to a person who is unmarried and under eighteen years of age unless a consent therefor has been given by the parent or guardian of the person.

(2) Subsection (1) does not apply to any person who is,

- (a) sixteen years of age or over; and
- (b) gainfully employed or attending a school, university or other institution of learning. O. Reg. 39/76, s. 6.

7.—(1) In this section, "physician" means a physician who is not a member of the staff of the Ministry.

(2) Where a person attending a clinic suffers an abnormal reaction after a tuberculin test has been performed at the clinic, the clinic director may,

- (a) consult a physician and prepare a report of the consultation which shall be signed by the clinic director and the physician consulted;
- (b) arrange for a physician to examine the person tested and the physician shall sign his findings; and
- (c) notify the person tested or a physician designated by him of the findings. O. Reg. 39/76, s. 7.

8.—(1) Every clinic director shall cause a register of persons attending the clinic to be maintained together with a record of each such person including any examinations, findings and drugs given.

(2) Every clinic director is responsible for the safekeeping of all records relating to persons attending the clinic. O. Reg. 39/76, s. 8.

REGULATION 656

under the Ministry of Health Act

DISTRICT HEALTH COUNCILS

1. Every district health council shall obtain the approval of the Minister before it initiates any planning of the health or hospital services needs of its district. O. Reg. 721/73, s. 1.

REGULATION 657

under the Ministry of Health Act

GRANT—SPECIAL

1. The Minister may pay a grant of \$400,000 to the Toronto Institute of Medical Technology, Toronto subject to the following terms and conditions:

- (a) that the grant money be used by the said Institute located at 222 St. Patrick Street in the City of Toronto to complete an unfinished floor in the said premises by erecting partitions, finishing ceilings and floors, and installing laboratory benches, plumbing and other necessary equipment;
- (b) that the Institute shall rent the completed floor to the Canadian Red Cross Society for a period of at least five years;
- (c) that the Canadian Red Cross Society shall use the premises only for its Blood Transfusion Service;
- (d) that the Institute shall charge no rent to the Canadian Red Cross Society other than for shared services;
- (e) that, when the Canadian Red Cross Society vacates the premises, the Institute shall retain the equipment referred to in clause (a) and shall use the said floor for the education of medical technicians; and
- (f) that, if the final cost is less than \$400,000, the total amount of unused grant shall be paid to the Treasurer of Ontario. O. Reg. 358 73, s. 1.

REGULATION 658

under the Ministry of Health Act

GRANTS—HEALTH RESOURCES

PART I

INTERPRETATION

1. In this Part,

- (a) "applicant" means a person or group of persons who undertake to arrange for the provision of health services;
- (b) "health resources" means,
 - (i) community health facilities including health practitioners and personnel through which health services can be provided to persons in a community, and
 - (ii) the operation of a mobile vision van by a non-profit organization to provide eye care in underserved areas in Ontario. O. Reg. 381/73, s. 1; O. Reg. 263/80, s. 1.

APPLICATION FOR GRANTS

2. An applicant who applies for a capital grant for developing health resources shall,

- (a) make a written application to the Minister setting out the need for the health resources for which the application is made;
- (b) submit plans regarding the proposed acquisition of the health resources and proposals respecting their operation and services to be provided; and
- (c) submit an estimate of the costs involved in the establishment and operation of the health resources. O. Reg. 381/73, s. 2.

CLASSES OF GRANTS

3. There shall be the following classes of grants:

- 1. Capital grants — up to 100 per cent of the approved costs which shall be available to pay for,
 - (a) the acquisition of land or premises or both;

- (b) the construction or renovation of facilities or both;
- (c) the acquisition of equipment and furnishings for facilities;
- (d) fees that are approved by the Minister for architects, consulting engineers and other approved consultants;
- (e) land survey and soil tests and necessary paving and sodding.

- 2. Operational grants — which shall consist of annual grants available to provide for the costs of salaries of personnel, supplies, rents, utility services and other miscellaneous matters.

O. Reg. 381/73, s. 3.

QUALIFICATIONS FOR GRANTS

4.—(1) An applicant,

- (a) who satisfies the Minister as to the need for the development and operation of the health resources;
- (b) whose plans for the acquisition of land or premises or both, plans for the proposed construction or renovation of the facility or proposals for the acquisition of equipment and furnishings are approved by the Minister; and
- (c) who agrees to execute an undertaking as specified in subsection (2),

qualifies for a capital grant for such amount as is approved by the Minister.

(2) An applicant who receives a capital grant shall execute a written undertaking covenanteeing that in the event that the health resource for any reason whatsoever cannot be established by the applicant or ceases to be operated by him, the applicant may be required, at the discretion of the Minister, to repay to the Minister or to such person as the Minister may designate, the amount of the capital grant in the case of the health resource not being put into operation or the depreciated value of the assets acquired by virtue of the capital grant in the case of a health resource ceasing to be operated by the applicant.

(3) Where the applicant qualifies for a capital grant for land acquisition, construction or renovation not exceeding the amount of \$100,000, the grant monies shall be payable in such amounts and at such times as the Minister determines.

(4) Where the applicant qualifies for a capital grant for land acquisition, construction or renovation exceeding the amount of \$100,000, the amount of monies shall be payable as follows:

1. One-fifth when the Minister has given approval under clause (1) (b) and the applicant has executed the undertaking specified in subsection (2).
2. One-tenth when $\frac{1}{8}$ of the project is completed.
3. One-tenth when $\frac{1}{4}$ of the project is completed.
4. One-tenth when $\frac{3}{8}$ of the project is completed.
5. One-tenth when $\frac{1}{2}$ of the project is completed.
6. One-tenth when $\frac{5}{8}$ of the project is completed.
7. One-tenth when $\frac{3}{4}$ of the project is completed.
8. One-tenth when $\frac{7}{8}$ of the project is completed.
9. The balance when the project is completed and the buildings and facilities are furnished, equipped and ready to service persons in the community. O. Reg. 381/73, s. 4.

5.—(1) An applicant for an annual operating grant,

(a) shall make written application to the Minister setting out the need for the operation of the health resource; and

(b) shall submit an estimate of the annual operating budget.

(2) The amount of the applicant's annual operating grant shall be based on the amount of the budget submitted to the Minister that is approved by the Minister.

(3) The amount of the operating grant may be paid monthly in advance or on a reimbursement of expenditure basis.

(4) An applicant for an annual operating grant shall be required to requalify for the grant each year and the grant is renewable solely at the discretion of the Minister. O. Reg. 381/73, s. 5.

(5) Notwithstanding subsection (4), an applicant referred to in subclause 1 (b) (ii) who qualifies for an operating grant is eligible for the grant only for the fiscal period ending the 31st day of March, 1981. O. Reg. 263/80, s. 2.

CONDITIONS

6.—(1) The provision of a grant to an applicant who qualifies under section 4 or 5 is subject to the following conditions:

1. That the applicant ensure the provision of health services to the residents in the community.
2. That at the determination of the Minister the applicant enter into a contractual arrangement with the Minister for the payment of health services provided, on a basis other than fee for service. O. Reg. 381/73, s. 6.

(2) Subsection (1) does not apply to health resources referred to in subclause 1 (b) (ii). O. Reg. 263/80, s. 3.

PART II

INTERPRETATION

7. In this Part,

- (a) "applicant" means a legally qualified medical or dental practitioner;
- (b) "health resource" means the establishment of a medical or dental practice or entry into a medical or dental practice or engaging in employment approved by the Minister in an area or facility in Ontario designated by the Minister. O. Reg. 381/73, s. 7; O. Reg. 656/75, s. 1, *revised*.

APPLICATION OF GRANTS

8. The Minister may provide grants for developing health resources to applicants who,

- (a) make application in writing to the Minister declaring their intent to establish the health resources for which application is made; and
- (b) submit plans regarding the acquisition of the health resources and set out the services proposed to be rendered. O. Reg. 381/73, s. 8.

GRANTS

9. A grant shall consist of moneys for the acquisition or establishment of a medical or dental practice or as an incentive to establish or enter into a health resource in a designated area or join the staff of a designated facility and consisting of moneys to secure a guaranteed annual income to the medical or dental practitioner. O. Reg. 656/75, s. 2.

QUALIFICATION FOR GRANTS

10. An applicant whose application is approved by the Minister qualifies for a grant under section 9. O. Reg. 381/73, s. 10.

PART III

11. In this part, "research" means operational, epidemiological or developmental health research or health research projects involving health education, health training or the provision of health service or programs established to support innovations in the organization and delivery of health services. O. Reg. 381/73, s. 14.

12.—(1) The Minister may make grants to universities and non-profit organizations that,

- (a) make application to the Minister in writing setting out the subject matter of a research project they propose to undertake; and
- (b) submit a detailed estimate of the costs involved for specific items of the project and details respecting the methods and procedures for executing the proposed research project.

(2) Where an applicant is approved by the Minister for a grant under this section, the amount thereof shall be the sum of the amounts approved

for the specific items of the project and the amount of the grant may be paid in advance or on a reimbursement of expenditure basis. O. Reg. 381/73, s. 15.

PART IV

13.—(1) In this section,

- (a) "applicant" means a legally qualified optometrist;
- (b) "health resource" means the establishment of or engaging in the practice of optometry in an area designated by the Minister as an underserved area and that is north of the 51st parallel.

(2) The Minister may provide a grant for developing a health resource to an applicant who makes an application in writing to the Minister declaring his intention to establish or engage in the practice of optometry on a full-time basis in an area designated as an underserved area.

(3) The maximum amount of a grant payable under this section is \$20,000 and shall be paid quarterly over a four-year period as follows:

1st year	\$8,000
2nd year	6,000
3rd year	3,000
4th year	3,000

(4) The applicant for a grant shall be required to requalify for the grant each year and the grant is payable solely at the discretion of the Minister. O. Reg. 136/80, s. 1.

REGULATION 659

under the Ministry of Health Act

SPECIAL GRANT

1. The Minister may pay a grant of \$600,000 to the Toronto Institute of Medical Technology, Toronto, subject to the following terms and conditions:

- (a) that the grant money shall be used by the said Institute to complete the interior of the 13th floor of its premises located at 222 St. Patrick Street, Toronto, by erecting partitions, installing connections with the ventilation system, finishing walls, ceilings and floors and install laboratory benches, plumbing, electrical connections and other necessary equipment;
- (b) that the Institute shall rent the completed floor to the Canadian Red Cross Society for a period of at least five years;

- (c) that the Institute shall permit the Canadian Red Cross Society to use the premises only for its Blood Transfusion Service;
- (d) that the Institute shall charge no rent to the Canadian Red Cross Society other than charges for shared services;
- (e) that, when the Canadian Red Cross Society vacates the premises, the Institute shall retain the equipment, fixtures and furnishings referred to in clause (a) and shall use the said floor for the education of medical technicians; and
- (f) that, if the final cost is less than \$600,000, the total amount of unused grant shall be paid to the Treasurer of Ontario. O. Reg. 143/76, s. 1.

REGULATION 660

under the Ministry of Health Act

SPECIAL GRANT

1. The Minister may pay a grant of \$1,250,000 to The Canadian Red Cross Society, subject to the following terms and conditions:

- (a) that the grant money shall be used by the said Society to construct a Blood Transfusion Centre at Sudbury, Ontario to provide at least 1,700 square metres of accommodation;
- (b) that the Blood Transfusion Centre shall be located on land owned by The Canadian Red Cross Society, being part of Lot 5, Concession 3 in the Township of McKim, now in the City of Sudbury in The Regional Municipality of Sudbury, more particularly described in the Deed of Land dated February 17th, 1949, registered on the 24th day of February, 1949 in the Land Registry Office for the Registry Division of Sudbury (No. 53) as document Number 30874, in book 47 for the City of Sudbury;
- (c) that the said Centre shall contain a Blood Donor Clinic, Blood Processing Laboratories, necessary office facilities, storage areas and an underground loading dock;
- (d) that the said Centre shall be operated by the Blood Transfusion Service of The Canadian Red Cross Society;
- (e) that the grant money shall be used to construct and to finish the exterior and interior of the said Centre and to completely furnish it;
- (f) that, when The Canadian Red Cross Society vacates the premises, the Society shall convey to the Province of Ontario title and ownership to the Centre and all the fixtures, furnishings and equipment contained therein;

(g) the grant under this Regulation shall be paid in instalments as follows:

- 1. \$60,000 on the 28th day of July, 1977.
- 2. \$250,000 when the Minister gives approval to begin construction.
- 3. \$125,000 when one-eighth of the work is completed.
- 4. \$125,000 when one-quarter of the work is completed.
- 5. \$125,000 when three-eighths of the work is completed.
- 6. \$125,000 when one-half of the work is completed.
- 7. \$125,000 when five-eighths of the work is completed.
- 8. \$125,000 when three-quarters of the work is completed.
- 9. \$125,000 when seven-eighths of the work is completed.
- 10. the balance of \$65,000 when,
 - i. the construction of the said Centre is completed,
 - ii. the building and facilities are furnished, equipped and ready to function as a Blood Transfusion Centre, and
 - iii. the Minister has approved the final settlement of the grant; and

(h) that, if the final cost is less than \$1,250,000, the total amount of the unused grant shall be paid to the Treasurer of Ontario.
O. Reg. 535/77, s. 1.

REGULATION 661

under the Ministry of Health Act

STANDARD WARD ACCOMMODATION

1. The standard ward accommodation in a hospital listed in Schedule 1, 2 or 3 of Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* shall not be less than 50 per cent of the total bed capacity, unless the Minister otherwise directs. O. Reg. 324/72, s. 1.

2. The standard ward accommodation in a hospital listed in Schedule 4, 6 or 8 of Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* shall not be less than the percentage of the total bed capacity of that hospital as is determined from time to time by the Minister. O. Reg. 324/72, s. 2.

REGULATION 662

under the Mortgage Brokers Act

GENERAL

APPLICATION

1.—(1) An application for registration as a mortgage broker or a renewal thereof shall be in Form 1. O. Reg. 845/80, s. 1 (1).

(2) A notice by a mortgage broker under,

(a) clause 27 (1) (a) of the Act, shall be in Form 3; and

(b) clause 27 (1) (b) of the Act, shall be in Form 3 and Form 4. O. Reg. 845/80, s. 1 (2).

(3) When notified by the Registrar, the applicant shall file,

(a) the examination fee prescribed in section 2; and

(b) the appropriate registration fee prescribed in section 2. O. Reg. 461/71, s. 1 (3); O. Reg. 686/75, s. 1 (2).

FEEs

2. Fees payable to the Registrar are as follows:

1. Upon application for registration as a mortgage broker or renewal thereof . . \$ 80

2. For written examination of an applicant for registration as a mortgage broker . 10

3. Upon the filing of a prospectus under section 12 of the Act,

i. where the number of lots or other units does not exceed 50 300

ii. where the number of lots or other units exceeds 50, \$50 for each additional lot or fraction thereof in excess of 50 to a maximum of \$700.

O. Reg. 845/80, s. 2.

TERMS AND CONDITIONS OF REGISTRATION

3.—(1) Every registration expires on the date shown on the certificate of registration unless the prescribed application for renewal of registration, together with the prescribed fee, is filed with the Registrar prior to the date of expiry. O. Reg. 845/80, s. 3 (1).

(2) No person shall be registered as a mortgage broker unless he,

(a) is a resident; and

(b) is eighteen years of age or over. O. Reg. 461/71, s. 3 (2); O. Reg. 747/73, s. 1.

(3) Every person registered as a mortgage broker shall operate from a permanent place of business in Ontario that shall be open to the public during normal business hours.

(4) Every applicant for registration shall state in the application an address for service in Ontario. O. Reg. 461/71, s. 3 (3, 4).

(5) Where an applicant for registration is a corporation, a copy of the most recent audited financial statement or where the corporation is recently incorporated, a *pro forma* balance sheet shall be attached to the application referred to in subsection 1 (1) and where the applicant is a sole proprietorship or partnership, a recent statement of personal assets and liabilities shall be attached to the application. O. Reg. 686/75, s. 2 (3), *part*.

(6) Where the registrant is a corporation, a copy of the most recent audited financial statement and where the registrant is a sole proprietorship or partnership, a recent statement of the personal assets and liabilities shall be filed with the Registrar on or before the 30th day of June in each year. O. Reg. 845/80, s. 3 (2).

(7) The Registrar may require further information or material to be submitted by any applicant or any registered person within a specified time limit and may require verification by affidavit or otherwise of any information or material then or previously submitted.

(8) Every mortgage broker shall, within five days after the event, notify the Registrar in writing of any commencement or termination of employment of any person hired, appointed or authorized to arrange or deal in mortgages. O. Reg. 461/71, s. 3 (5, 6).

(9) Where a mortgage broker is a corporation it shall, within five days after the event, notify the Registrar in Form 3 and Form 4 where there is a change in a director of the corporation or in Form 3 where there is a change in its controlling interest. O. Reg. 845/80, s. 3 (3).

(10) Every mortgage broker shall deliver to each borrower a statement of mortgage in Form 2 together with a copy of the borrower's application, where the borrower has completed an application, at least twenty-four hours before the borrower is asked to sign the mortgage documents. O. Reg. 686/75, s. 2 (1).

(11) Where the principal amount of the mortgage is to be \$40,000 or less, no mortgage broker shall accept an advance payment or deposit, or induce or attempt to induce any person to make an advance payment or deposit for services to be rendered or expenses to be incurred at some future date.

(12) A statement of mortgage shall only be signed by a registered mortgage broker or by any person whose name has been submitted to the Registrar under subsection 6. O. Reg. 461/71, s. 3 (9, 10)

(13) Within thirty days of the closing of the transaction each mortgage broker shall provide the borrower with a statement showing,

- (a) the principal amount of the loan;
- (b) the due date of each periodic payment;
- (c) the amount of each periodic payment;
- (d) the portion of each periodic payment charged as interest;
- (e) the portion of each periodic payment applied on principal;
- (f) the outstanding balance of the loan after each periodic payment;
- (g) the balance at maturity, if any; and
- (h) the name of the payee and the amount actually paid in respect of all charges other than brokerage fees or commissions indicated under item 8 of Form 2. O. Reg. 461/71, s. 3 (11); O. Reg. 686/75, s. 2 (2).

(14) A mortgage broker shall not unreasonably withhold any deeds, instruments or other documents and shall return them forthwith to the lawful owner, or his agent, when so requested in writing by the Registrar, the borrower or his agent. O. Reg. 461/71, s. 3 (12).

4.—(1) Every individual applicant and every active officer or director of a corporate applicant or registrant who has not been previously examined shall pass a written examination based on the Act and such further subject matters as the Registrar prescribes.

(2) Notwithstanding subsection (1), every mortgage broker and every individual who was an active officer or director of a corporate mortgage broker registered under the Act as at the coming into force of these regulations shall be exempt from taking the examination referred to in subsection (1). O. Reg. 461/71, s. 4 (1, 2).

(3) Notwithstanding subsection (2), every mortgage broker and every officer or director of a

corporate mortgage broker who has not been registered under the Act for a period of one year or more preceding an application for registration or renewal of registration shall write and have passed the examination referred to in subsection (1). O. Reg. 686/75, s. 3.

(4) No corporation shall be registered, or shall maintain its registration as a mortgage broker unless all of its directors and officers who are actively engaged in the business have met the examination requirements.

(5) The examination shall be conducted in the presence of a presiding officer appointed by the Registrar or his nominee.

(6) The examination papers shall be marked by the Registrar or his nominee.

(7) Not less than seventy-five per cent shall be considered a pass mark for the examination.

(8) The Registrar or his nominee may review and, where so requested in writing, shall review the examination papers and make such changes in the marks obtained as he deems proper.

(9) Upon written application to the Registrar, an applicant who fails to obtain the pass mark prescribed in subsection (7) may take a further examination at any time, but where he fails the second examination he shall not take any subsequent examination until after the expiration of four months from the date of his latest examination.

(10) A member of the Law Society of Upper Canada and a person licensed under the *Public Accountancy Act*, shall be exempt from taking the examination referred to in subsection (1). O. Reg. 461/71, s. 4 (4-10).

EXEMPTIONS

5.—(1) An individual who lends or invests his own money on the security of real estate and does not otherwise act as a mortgage broker is exempt from section 8 of the Act.

(2) A corporation that lends or invests money on the security of real estate and does not otherwise act as a mortgage broker is exempt from section 9 of the Act. O. Reg. 747/73, s. 2.

(3) A person who is a mortgagor, mortgagee, assignor or assignee in a mortgage transaction on the security of a lot or unit in a subdivision in Canada, as defined in section 11 of the Act, is exempt from the provisions of section 12 of the Act where the amount of the loan or the consideration for the assignment is \$100,000 or greater. O. Reg. 814/75, s. 1.

TRUST FUNDS

6.—(1) All funds received by a mortgage broker in connection with a mortgage transaction other than those which are clearly made as payment for fees earned shall be deemed to be trust funds. O. Reg. 461/71, s. 5 (1).

(2) Every mortgage broker shall maintain in respect of all funds that come into his hands in trust a separate trust account in an Ontario Branch of a chartered bank, a corporation registered under the *Loan and Trust Corporations Act* or Province of Ontario Savings Office designated as "The Mortgage Brokers Act Trust Account", or a credit union as defined in the *Credit Unions and Caisses Populaires Act*. O. Reg. 461/71, s. 5 (2); O. Reg. 845/80, s. 4.

(3) For the purpose of this section, no mortgage broker shall maintain more than one account designated as a trust account unless he has notified the Registrar and has the Registrar's consent in writing.

(4) All trust funds received by the broker whether by cash, cheque or otherwise shall be deposited in the mortgage broker's trust account within two banking days of their receipt.

(5) Every mortgage broker shall deliver a written confirmation to the investor setting out therein the amount of any money received for investment purposes together with the terms upon which such monies are held.

(6) No mortgage broker shall disburse any monies held in trust, or any part thereof, except in accordance with the terms and conditions upon which the monies were received.

(7) Nothing in this section shall be construed as affecting the right to any remedy available in law to the mortgage broker or any other person having a lawful claim to the monies held in the trust account referred to in subsection (2). O. Reg. 461/71, s. 5 (3-7).

BOOKS AND RECORDS

7.—(1) Every mortgage broker shall keep proper records and books of account showing monies received and monies paid out and such books shall include a receipts journal, disbursements journal, general journal, general ledger, clients' ledger, and such additional records as the Registrar may require, in accordance with accepted principles of double entry bookkeeping and shall have the books of account and financial transactions audited annually by a person licensed under the *Public Accountancy Act*.

(2) Every mortgage broker shall keep and maintain a record of,

- (a) the names and addresses of all principals, agents and solicitors in respect of each mortgage transaction;
- (b) the terms and conditions of each mortgage transaction;
- (c) the itemized fees, expenses, costs and other charges required to be borne by the mortgagor, mortgage purchaser or mortgage assignor in respect of each mortgage transaction;
- (d) the particulars of any related agreement; and
- (e) such other particulars as the Registrar may require. O. Reg. 461/71, s. 6.

PROSPECTUS

8. A prospectus under section 12 of the Act shall contain,

- (a) in the case of an individual or partnership, the full name and residence address of the individual or of each member of the partnership, as the case may be, together with the business address of the individual or partnership;
- (b) in the case of a corporation,
 - (i) the full name of the corporation and the address of its head office,
 - (ii) the laws under which the corporation was incorporated and stating whether incorporated by letters patent or otherwise and the date thereof,
 - (iii) whether supplementary letters patent or a similar authority for variation of the letters patent or otherwise has been issued and the date thereof,
 - (iv) the names of the officers and directors, giving in each case the present occupation and home address in full,
 - (v) the particulars of the share capital authorized, issued and paid up, the number and classes of shares and the par value thereof or if without par value so stating, and
 - (vi) the particulars of any bonds or debentures outstanding or proposed to be issued;

- (c) the name and address of the auditors of the individual, partnership or corporation, as the case may be;
- (d) a general description of the subdivision and the area surrounding it;
- (e) a legal description of the subdivision and particulars of the state of the title;
- (f) particulars of all encumbrances, both existing and proposed, and of the provisions made or to be made for their discharge;
- (g) particulars of the terms and conditions upon which it is intended to dispose of the subdivided lands and, if any particular forms of contract are to be used, stating when and where the subdivided lands may be inspected;
- (h) particulars of the manner in which the plan of subdivision has been filed with the appropriate land registry office or similar recording office in the municipality or district in which the subdivision is situate, giving the date of approval or other acceptance by the appropriate officials and the date and number of the registration of the plan;
- (i) particulars of the manner in which title of a particular lot or unit or other interest is to be conveyed to a prospective purchaser;
- (j) particulars of the arrangements to govern the handling of deposits and other money received or to be received from purchasers or prospective purchasers between the time of payment and the time when the title of a lot or unit or other interest contracted for is conveyed to the purchaser;
- (k) particulars of existing public utility services for the subdivision, including water, sewerage, electricity, gas and telephone service and whether public utility service is available or proposed, and particulars of access, roads, sidewalks, street lighting, garbage collection, fire protection, school facilities and public transportation;
- (l) particulars of the plan for financing the subdivision and, without limiting the generality of the foregoing, stating,
 - (i) acquisition costs unpaid, costs of installation of proposed services and details of any other expenditures which are or might reasonably be anticipated, with dates for payment in each case,
 - (ii) the amounts and nature of all performance bonds or similar securities that are, or are to be, posted or deposited, and
 - (iii) the source of funds with which all unpaid costs and anticipated expenditures are to be paid;
- (m) particulars of all building restrictions, zoning regulations and other restrictions governing the use or development of the subdivided lands;
- (n) particulars of any clearing, fill, improvement or other change from the natural state of the subdivided lands;
- (o) particulars of any drainage overflow hazard with respect to the subdivided lands and whether arrangements for dyking or drainage have been made or are proposed;
- (p) particulars of the nature of the foundations required for building on the subdivided lands;
- (q) particulars of arrangements, if any, that have been or are proposed to be made with contractors or builders for construction of houses or other buildings thereon contracted for, commenced or completed, including provision for lien protection, if any; and
- (r) in the case of condominium units such other particulars as the Registrar may require. O. Reg. 640/75, s. 2.

9. A request for voluntary cancellation of registration shall be in Form 5. O. Reg. 686/75, s. 4, *revised*.

Form 1

Mortgage Brokers Act

APPLICATION FOR BUSINESS REGISTRATION OR RENEWAL

THE UNDERSIGNED APPLIES TO THE REGISTRAR FOR REGISTRATION AS A

MORTGAGE BROKER UNDER THE MORTGAGE BROKERS ACT

New Registration	<input checked="" type="checkbox"/> Check One
	A <input type="checkbox"/>
Renewal of Registration	<input type="checkbox"/>
	R <input type="checkbox"/>
	<input checked="" type="checkbox"/> Check One
Sole Proprietor	4 <input type="checkbox"/>
Partnership	5 <input type="checkbox"/>
Corporation	6 <input type="checkbox"/>
Date of Application	
Yr	Mo Dy

AND FOR THE PURPOSE OF OBTAINING REGISTRATION GIVES THE FOLLOWING INFORMATION:

Application on behalf of		
Name under which Business will be operated (if different from above)		
Business Address - Street	Apartment/suite	
City	Province	Postal Code
Mailing Address (if different from above) - Street	Apartment/Suite	
City	Province	Postal Code

[illegible]

Name of Applicant or Partner										Check One (✓) <input type="checkbox"/>		Canadian Citizenship <input type="checkbox"/>		Landed Immigrant Status <input type="checkbox"/>		Employment Visa <input type="checkbox"/>	
Sex M <input type="checkbox"/> F <input type="checkbox"/>		Canadian Resident? YES <input type="checkbox"/> NO <input type="checkbox"/> If yes, how long? _____				Birth Date Yr <input type="text"/> Mo <input type="text"/> Dy <input type="text"/>		Marital Status		Spouses Occupation							
Hair		Eyes		Height		Weight		Build		Special Marks							
Name of Partner										Check One (✓) <input type="checkbox"/>		Canadian Citizenship <input type="checkbox"/>		Landed Immigrant Status <input type="checkbox"/>		Employment Visa <input type="checkbox"/>	
Sex M <input type="checkbox"/> F <input type="checkbox"/>		Canadian Resident? YES <input type="checkbox"/> NO <input type="checkbox"/> If yes, how long? _____				Birth Date Yr <input type="text"/> Mo <input type="text"/> Dy <input type="text"/>		Marital Status		Spouses Occupation							
Hair		Eyes		Height		Weight		Build		Special Marks							

Provide the name and address of the financial institution where you will maintain a trust account and in which you will deposit all monies received by you in trust for others, in connection with your business:

Name of Financial Institution

Branch Address

Attach list of all persons hired, appointed, or authorized to arrange or deal in mortgages showing: name in full, residence address, city or town, and residence telephone number.

Officers/Partners/Directors/Sole Proprietor

Effective Date YR MO DY			New (✓) <input type="checkbox"/> Termination <input type="checkbox"/>		Registration No.			Surname			First Name			Initials		Status Active <input type="checkbox"/> Non Active <input type="checkbox"/>			
					Birthdate Yr Mo Dy			Sex M <input type="checkbox"/> F <input type="checkbox"/>		Position held in company								Position Code	
Residence Address - Street								City				Province			Postal Code		Telephone No.		

Effective Date YR MO DY			New (✓) <input type="checkbox"/> Termination <input type="checkbox"/>		Registration No.			Surname			First Name			Initials		Status Active <input type="checkbox"/> Non Active <input type="checkbox"/>			
					Birthdate Yr Mo Dy			Sex M <input type="checkbox"/> F <input type="checkbox"/>		Position held in company								Position Code	
Residence Address - Street								City				Province			Postal Code		Telephone No.		

Signature of Applicant/s

NOTE: For Corporations the application must be signed by an officer and a director, or by two officers.
For Partnerships the application must be signed by all partners.

Dated at _____, this _____ day of _____, 19____.

WARNING. It is an offence to knowingly provide false information on this application.

Form 2

Mortgage Brokers Act

STATEMENT OF MORTGAGE

This form must be completed in duplicate in accordance with the regulations under the Mortgage Brokers Act and a signed copy given to the borrower at least 24 hours before he is asked to sign any mortgage documents.

Property Mortgaged (address and description of buildings).....
.....
.....

1. Principal amount of the.....;
(REGULAR OR COLLATERAL) (1ST, 2ND, 3RD)

Mortgage to be repaid by the Borrower.....\$

2. Deduct Bonus, Charges, Fees, etc. (This amount must equal total items under Section 8).....\$

3. Amount of money to be paid to the Borrower or to be disbursed on his direction is.....\$

4. THE MAXIMUM ANNUAL EFFECTIVE RATE OF INTEREST ON THIS MORTGAGE IS%
(This rate will be higher than the rate shown below in item 5, whenever there is a bonus charged).

5. The Principal amount of the Mortgage (item 1) of \$..... will bear interest at% per year
and will be repayable in.....instalments of \$.....interest.
(MONTHLY OR QUARTERLY) (PLUS OR INCLUDING)

6. The Mortgage will become due and payable in.....years at which time the Borrower, if all
payments are made on the due date will owe.....\$

7. The Mortgage is not renewable on the same terms as item 5 above and does not contain any
privileges or penalties except as follows:.....
.....

8. The BONUS, Charges, Fees, etc., to be deducted from the Principal amount of the Mortgage under item 2 above, are
made up as follows:
BONUS on Mortgage.....\$
Brokerage Fees or Commissions.....\$
Inspection and Appraisal Fees.....\$
Lawyer's Fees and Estimated Disbursements of not more than\$
Other Charges\$
TOTAL as shown in item 2 above.....\$

This Mortgage shall be arranged on or before the.....day of.....19.....

I of
NAME ADDRESS

the Borrower under this proposed Mortgage, have read and fully understand the above Statement furnished me by.....

NAME AND ADDRESS OF BROKER

I have not yet signed any Mortgage Papers or Blank Documents on this mortgage and now sign this Statement in dupli-
cate, which has been fully completed this.....day of.....19....., and I hereby
acknowledge receipt of a fully completed signed copy.

Signature of Borrower

I have fully completed the above Statement
NAME OF BROKER

in duplicate and have furnished one signed copy to the Borrower on the above date.

Signature of Broker

Form 3

Mortgage Brokers Act

NOTICE OF BUSINESS CHANGE

Check one (✓)	
Sole Proprietor	4 <input type="checkbox"/>
Partnership	5 <input type="checkbox"/>
Corporation	6 <input type="checkbox"/>

Registered Business Name		
Business Address - Street		Apartment/Suite
City	Province	Postal Code

Registration No		
Date of Notification		
Yr	Mo	Dy

I/We hereby notify the Registrar of the following changes:

NAME AND ADDRESS CHANGES

New Name		
New Trading Name		
Business Address - Street		Apartment/Suite
City	Province	Postal Code
Mailing Address (if different from above) - Street		Apartment/Suite
City	Province	Postal Code

FOR CORPORATIONS ONLY

Give details of all changes in shareholders together with the number of shares held by each as of the date of change. Where shareholders are nominees, or hold shares in trust, give the name of the beneficial owner of such shares. Include both the additions to and deletions from the record of shareholders.

DELETIONS				
Name of Shareholder of Record	Address of Shareholder of Record	Occupation of Shareholder of Record	No. of Shares Held	No. of Equity (Voting) Shares Held

ADDITIONS				
Name of Shareholder of Record	Address of Shareholder of Record	Occupation of Shareholder of Record	No. of Shares Held	No. of Equity (Voting) Shares Held
Total number of shares issued to date				
Total number of shares issued to date which carry voting rights				
Enter Total number of equity (voting) shares beneficially owned directly or indirectly, by non-residents of Canada or over which non-residents of Canada exercise control or direction				

Are any of the above shares held for a beneficial shareholder					
If yes, give full particulars below:					
	<input type="checkbox"/> YES	<input type="checkbox"/> NO			
Name of Shareholder Of Record	Name of Beneficial Shareholder	Address of Beneficial Shareholder	Occupation of Beneficial Shareholder	No. of Shares Beneficially Held	No. of Equity (Voting) Shares Benefic. Held

Is there any person or corporation whose name is not disclosed above who has any financial interest in the applicant beneficially, or who otherwise exercises control or direction over the applicant?			<input type="checkbox"/> YES	<input type="checkbox"/> NO
If yes, give full particulars below:				
Name	Address	Full Particulars		

Is there any change in the location (address) of your trust account?.....		<input type="checkbox"/> YES <input type="checkbox"/> NO
If yes, give full particulars below:		
Financial Institution	Branch Address	

Officers/Partners/Directors/Sole Proprietor

Check one (✓) for each person.

Effective Date	YR	MO	DY	New (✓) <input type="checkbox"/>	Termination <input type="checkbox"/>	Registration No.	Surname	First Name	Initials	Status		
										<input type="checkbox"/> Active	<input type="checkbox"/> Non-Active	
						Birthdate Yr Mo Dy	Sex M <input type="checkbox"/> F <input type="checkbox"/>	Position held in company				
Residence Address - Street							City		Province		Postal Code	Telephone No.

Effective Date	YR	MO	DY	New (✓) <input type="checkbox"/>	Termination <input type="checkbox"/>	Registration No.	Surname	First Name	Initials	Status		
										<input type="checkbox"/> Active	<input type="checkbox"/> Non-Active	
						Birthdate Yr Mo Dy	Sex M <input type="checkbox"/> F <input type="checkbox"/>	Position held in company				
Residence Address - Street							City		Province		Postal Code	Telephone No.

Effective Date	YR	MO	DY	New (✓) <input type="checkbox"/>	Termination <input type="checkbox"/>	Registration No.	Surname	First Name	Initials	Status		
										<input type="checkbox"/> Active	<input type="checkbox"/> Non-Active	
						Birthdate Yr Mo Dy	Sex M <input type="checkbox"/> F <input type="checkbox"/>	Position held in company				
Residence Address - Street							City		Province		Postal Code	Telephone No.

Effective Date	YR	MO	DY	New (✓) <input type="checkbox"/>	Termination <input type="checkbox"/>	Registration No.	Surname	First Name	Initials	Status		
										<input type="checkbox"/> Active	<input type="checkbox"/> Non-Active	
						Birthdate Yr Mo Dy	Sex M <input type="checkbox"/> F <input type="checkbox"/>	Position held in company				
Residence Address - Street							City		Province		Postal Code	Telephone No.

Signature of Applicant(s)	
<p>NOTE: For Corporations the application must be signed by an officer and a director, or by two officers. For Partnerships the application must be signed by all partners.</p>	
<p>Dated at _____, this _____ day of _____, 19____</p>	<p>WARNING It is an offence to knowingly provide false information on this application.</p>

Form 4

Mortgage Brokers Act

NOTICE OF NEW OFFICER OR DIRECTOR

NAME AND ADDRESS OF NEW OFFICER/DIRECTOR

SURNAME		FIRST NAME		INITIALS	
RESIDENCE ADDRESS STREET (IF NO STREET NUMBER, GIVE LOT AND CONVEYANCE NO.)					
CITY		Province	Postal code	yr	Birthdate mo dy

Registered Business Name	Business Registration No.
POSITION HELD	

Will you be actively engaged in the operation of the business as an officer/director of the corporation ☐ YES ☐ NO

PROVIDE PARTICULARS OF OCCUPATION DURING PAST 3 YEARS (including periods of unemployment, illness, etc.)

NAME AND ADDRESS OF EMPLOYER	NATURE OF BUSINESS OF EMPLOYER	NATURE OF MY EMPLOYMENT	PERIOD OF EMPLOYMENT (give exact dates)	
			From:	To:

- a) Is the applicant registered, or has the applicant ever been licenced, or registered, under any other act? ☐ YES ☐ NO
If yes, give full particulars.
- b) Has the applicant ever had a licence or registration of any kind refused, suspended, revoked or cancelled? ☐ YES ☐ NO
If yes, give full particulars.

Have you any business association with any individual, firm, partnership, or corporation currently holding registration under any provincial statute? ☐ yes ☐ no

If yes, give full particulars:

Will you be engaged, occupied or employed in any other business, occupation or profession? ☐ yes ☐ no

If yes, give full particulars:

- a) Is the applicant a discharged or undischarged bankrupt, or presently a party to bankruptcy proceedings? ☐ YES ☐ NO
- b) Has the applicant ever been (or is he now) an officer, director, or majority shareholder of a corporation which has been declared bankrupt, or which is now a party to bankruptcy proceedings? ☐ YES ☐ NO

Are there any unpaid judgments outstanding against you? ☐ yes, ☐ no

If yes, submit a copy of each judgment.

Have you ever been convicted under any law of any country, or state, or province thereof, of an offence, or are there any proceedings now pending?..... ☐ yes ☐ no

If yes, give full particulars:

Signature of new Officer/DIRECTOR

Dated at _____, this _____ day of _____, 19_____.

WARNING: It is an offence to knowingly provide false information on this application.

O. Reg. 845/80, s. 5, *part.*

Form 5

Mortgage Brokers Act

NOTICE

To the Registrar of Mortgage Brokers

I, hereby request that my registration as a Mortgage Broker be cancelled, and I hereby surrender my registration.

.....
(witness)

.....
(signature of registrant)

DATED at, this day of, 19....

O. Reg. 686/75, s. 5, *part.*

REGULATION 663

under the Mortmain and Charitable Uses Act

LICENCES AND FEES

LICENCES

1.—(1) Subject to subsection (2), licences under the Act issued to a corporation shall be,

- (a) to acquire and assure in mortmain to the value of the land set out in the licence such land as is necessary,
 - (i) for the actual use and occupation of the corporation, or
 - (ii) to carry on the undertaking of the corporation,

and to hold the land for a period of fifteen years from the date of the licence;

- (b) to acquire and assure in mortmain to the value of the land set out in the licence such land as is necessary,
 - (i) for the actual use and occupation of the corporation, or
 - (ii) to carry on the undertaking of the corporation,

and to hold the land for a period of thirty years from the date of the licence;

- (c) to acquire and assure in mortmain to the value of the land set out in the licence such land as is necessary,
 - (i) for the actual use and occupation of the corporation, or
 - (ii) to carry on the undertaking of the corporation,

and to hold the land in perpetuity;

- (d) to acquire and assure in mortmain land specifically described in the licence and to hold the land in perpetuity. R.R.O. 1970, Reg. 611, s. 1 (1).

(2) Every corporation without share capital that has objects of a charitable nature which holds a licence in mortmain under clause (1) (a), (b) or (c) shall within two months after each anniversary of the date of its incorporation or amalgamation, file with the Minister a statement of the lands held by the corporation under the licence as of the date of the anniversary.

(3) The first statement filed under subsection (2) shall set out the name of the corporation, describe the lands held,

- (a) by street and number and municipality or portion of municipality;
- (b) by subdivision lot or part of subdivision lot with reference to plan or survey thereof and municipality and where part of a subdivision lot is described state the number of feet of frontage or the number of acres;
- (c) by lot or part of lot, concession and municipality and where part of a lot is described state the number of feet of frontage or the number of acres; or
- (d) by such other description as is acceptable to the Minister,

and be executed by the president or a director of the corporation.

(4) Statements subsequent to the first statement filed under subsection (2) shall state the name of the corporation and describe, in the manner set forth in subsection (3), any changes to the holding set forth in previous statements and be executed by the president or a director of the corporation.

(5) Every licence in mortmain issued under clause (1) (a), (b) or (c) to a corporation without share capital that has objects of a charitable nature shall be subject to the condition that the corporation file the statement required under subsection (2) and upon failure to file the statement, the licence shall terminate sixty days after the giving of notice by the Minister by registered mail to the corporation unless the statement has been filed.

(6) Where a licence in mortmain is terminated under subsection (5) the licence may be reinstated as if it had never been terminated upon filing of the statement required under subsection (2) and upon payment of a fee of the lesser of \$50 or the fee for the issuance of the licence provided that the lands held under the licence have not forfeited to the Crown under the Act. O. Reg. 387/71, s. 1.

APPLICATION FOR A LICENCE

2.—(1) An application by a corporation for a licence under the Act shall,

- (a) set out,
 - (i) its corporate name,
 - (ii) the name of the jurisdiction under the laws of which the corporation was incorporated,
 - (iii) the date and manner of its incorporation,

- (iv) the place where its head office is situated,
 - (v) whether its existence is limited by statute or otherwise and, if so, the date when its existence expires, and whether its existence may be lawfully extended,
 - (vi) whether it is a valid and subsisting corporation,
 - (vii) whether it has capacity to hold land and, if so, the conditions, if any, under which land is to be held,
 - (viii) if a licence referred to in clause 1 (1) (a), (b) or (c) is desired, a request to that effect, as the case may be, together with a statement of the period of the licence and the maximum value of the land to be held, and
 - (ix) if a licence referred to in clause 1 (1) (d) is desired, a request to hold certain land, giving a description of the land capable of being registered under the *Registry Act* or the *Land Titles Act*;
- (b) be dated;
 - (c) be under the seal of the corporation; and
 - (d) be signed by two officers, or by one officer and one director, of the corporation.
- (2) If the request is for a licence referred to in clause 1 (1) (d), the application shall be accompanied by,
- (a) the consent of the present owner of the land;
 - (b) a registrar's abstract of title covering the past forty years or a solicitor's certificate of title, establishing ownership of the land in the present owner; and
 - (c) an independent valuation of the land.
- (3) The application shall be accompanied by,
- (a) an affidavit by a witness to the execution of the application, verifying the signatures to the application and the impression of the seal of the corporation;
 - (b) an affidavit by an officer of the corporation, verifying the statements contained in the application;
 - (c) a certified copy of the resolution of the directors of the corporation, authorizing the application; and
 - (d) a copy of the special Act, letters patent or articles of association or other constituting instrument, and amendments thereto, if any, creating the corporation, certified by the proper officer of the incorporating juris-

diction who is authorized to so certify, except copies of any of these documents that have been filed previously with the Minister. R.R.O. 1970, Reg. 611, s. 2.

FEEES

3. Fees payable for a licence under the Act are,

- (a) in the case of a licence referred to in clause 1 (1) (a),
 - (i) where the value of the land set out in the licence is not in excess of \$100,000, a fee of \$125,
 - (ii) where the value of the land set out in the licence is in excess of \$100,000 but not in excess of \$500,000, a fee of \$125 plus 65 cents for each \$1,000 in excess of \$100,000,
 - (iii) where the value of the land set out in the licence is in excess of \$500,000 but not in excess of \$1,000,000, a fee of \$385 plus 30 cents for each \$1,000 in excess of \$500,000, and
 - (iv) where the value of the land set out in the licence is in excess of \$1,000,000, a fee of \$535 plus 15 cents for each \$1,000 in excess of \$1,000,000;
- (b) in the case of a licence referred to in clause 1 (1) (b), a fee according to clause (a) plus 50 per cent thereof;
- (c) in the case of a licence referred to in clause 1 (1) (c), a fee according to clause (a) plus 100 per cent thereof;
- (d) in the case of a licence referred to in clause 1 (1) (d), a fee based on the value of the land at the date of the application for the licence and according to clause (a) plus 50 per cent thereof, subject to clause (e); and
- (e) in the case of a licence referred to in section 1 issued to a corporation without share capital that has objects of a charitable nature, a fee of 25 per cent of the fee set out in clause (a), (b), (c) or (d). R.R.O. 1970, Reg. 611, s. 3; O. Reg. 387/71, s. 2.

REFUNDS

- 4.—(1) Where a fee has been paid for a licence under the Act and the application for the licence is withdrawn or abandoned, then, subject to subsection (2), 50 per cent of the amount of the prescribed fee therefor shall be retained and the remainder, if any, shall be repaid to the person who paid it or to his legal representative.
- (2) Where the application is in respect of a corporation that has objects of a charitable nature, the full amount of the fee that has been paid shall be repaid. R.R.O. 1970, Reg. 611, s. 4.

REGULATION 664

under the Motor Vehicle Accident Claims Act

GENERAL

FEES AND FORMS

1. The fee payable by a person under subsection 2 (2) of the Act is fifty cents for each six-month period or part of a six-month period during which the licence is valid. O. Reg. 719/73, s. 1.

2. The application referred to in subsection 5 (1) of the Act shall be in Form 1. R.R.O. 1970, Reg. 612, s. 2.

3.—(1) A person indebted to the Fund, who makes a proposal to make repayments to the Fund in monthly instalments, may apply in Form 2 for the restoration of his driver's licence.

(2) Where an application referred to in subsection (1) is made, there shall be filed with the Director of the Motor Vehicle Accident Claims Fund a certificate of insurance issued pursuant to a motor vehicle liability policy provided by an insurance company approved by the Superintendent of Insurance under the *Insurance Act* to do business in the Province of Ontario and which policy shall remain in effect until the indebtedness owing to the Fund is discharged. R.R.O. 1970, Reg. 612, s. 3.

INSTALMENT PAYMENTS

4. Subject to a minimum of \$25, the amount of monthly instalment payments shall be 10 per cent of the applicant's gross monthly earnings or such other amount as the applicant may propose and the Director shall consider and may accept an application and proposal made under this Regulation by a person indebted to the Fund. O. Reg. 620/78, s. 1, *part*.

5. It is a condition for the restoration of a licence that where the income or financial worth of an indebted person significantly changes, the indebted person, when so required by the Director, shall submit a new proposal that, with such amendment as the Director may make, shall be substituted for the previous proposal and payments under the new proposal shall be the instalment payments referred to in section 9 of the Act. O. Reg. 620/78, s. 1, *part*.

6. Every instalment payment shall be made in cash or by certified cheque, bank draft or money order payable to the Treasurer of Ontario and shall be received by the Director not later than the tenth day after the date on which the Director requests removal of suspension of the driver's licence of the person indebted to the Fund and on that

day of each subsequent month until the total indebtedness owing to the Fund is discharged. O. Reg. 620/78, s. 1, *part*.

Form 1

Motor Vehicle Accident Claims Act

MINISTRY OF CONSUMER AND
COMMERCIAL RELATIONS
THE MOTOR VEHICLE
ACCIDENT CLAIMS FUND

IN THE MATTER OF an application for payment
under section 5 of the *Motor Vehicle Accident
Claims Act*

.....
(Court)

BETWEEN:

.....Plaintiff(s)

— and —

.....Defendant(s)

I (we).....

of.....
(address)

in the.....
(city, town, village, postal address)

in the.....
(province, state)

make oath and say:

1. I (we).....am (are)
the judgment creditor(s) in the said action.

2. I (we) was (were) awarded judgment in the said
action by.....
(name of judge)

at.....
(place of judgment)

on.....and I (we) was (were)
(date)

awarded the sum of \$.....

apportioned as follows: (set out amount awarded
to each judgment creditor)

.....\$.
.....\$.
.....\$.
.....\$.

and costs which have been taxed (fixed by the trial judge) at \$.....

3. The said judgment has become final by expiry without appeal within the time allowed for appeal (or by affirmation on appeal).

4. The said action was brought against all persons against whom I (we) might reasonably be considered as having a cause of action in respect of the damages in question and was prosecuted against every such person to judgment or dismissal.

5. The accident in respect of which the action is brought occurred
(describe location)
on the.....day of....., 19....
at approximately.....o'clock...m.

6. On the date on which the motor vehicle accident in question occurred I (we) was (were) resident in the Province (State) of.....and was (were) resident in such Province (State) for
(period of residency)

7. There are no other claims in respect of the accident in question.
.....
(give particulars of other claims if any)

8.—(1) The action was defended by.....
.....(state lawyer's name or as the case may be) acting for the defendant(s) and there was no default at any stage of the action.

OR

(2) Because of default on the part of the defendant(s) in.....notice
(state nature of default)
was given the Minister of Consumer and Commercial Relations under section 6 of the *Motor Vehicle Accident Claims Act*.

9.—(1) The action proceeded to trial and the judgment is not the result of a consent, agreement or settlement.

OR

(2) The judgment was taken by consent of the defendant(s) after notice had been duly given to the Minister of Consumer and Commercial Relations who defended the action on behalf and in the name of the defendant(s)

OR

(3) The judgment was taken by consent of the Minister of Consumer and Commercial Relations who defended the action on behalf and in the name of the defendant(s).....
under section 6 of the *Motor Vehicle Accident Claims Act*.

10. My (our) application for payment out of the Fund is not made by or on behalf of an insurer in respect of any amount paid or payable by an insurer by reason of the existence of a policy of insurance within the meaning of the *Insurance Act*, other than a policy of life insurance;

And no part of the amount sought to be paid out of the Fund is sought in lieu of making a claim or receiving a payment that is payable by reason of the existence of a policy of insurance within the meaning of the *Insurance Act*, other than a policy of life insurance;

And no part of the amount so sought is sought for payment to an insurer in respect of any amount paid or payable by an insurer by reason of the existence of a policy of insurance within the meaning of the *Insurance Act*, other than a policy of life insurance.

11. The following amount contained in the judgment was awarded in respect of damage to property (set out amount awarded to each judgment creditor)

.....
(name)	(amount)

12. I (We) have recovered the following amount in respect of the judgment \$.....

13.—(1) I (we) was (were) paid or am (are) entitled to be paid a portion of the loss under a policy of insurance within the meaning of the *Insurance Act* (other than a policy of life insurance) in the amount of \$.....

(2) An insurer has (or insurers have) an interest in the judgment by reason of the following payments for:

1. Damage to automobile\$.....
2. Damage to other property\$.....
3. Medical expenses\$.....

(3) I (We) have apportioned the costs in accordance with subsection 23 (2) of the Act in the amount of \$.....

14. I (We) am (are) satisfied that the said judgment debtor(s).....is (are) not insured with a policy of insurance that would cover any part of the judgment.

15. I (We) have not been given notice nor have any actual notice of bankruptcy proceedings instituted by the judgment debtor(s).

OR

I (We) have been given notice or have any actual notice of bankruptcy proceedings instituted by the judgment debtor(s).

16. Annexed hereto and marked,

- (a) Exhibit A is the Original Judgment above referred to;
- (b) Exhibit B is the Certificate of the Taxing Officer with respect to costs as taxed pursuant to the said judgment;
- (c) Exhibit C is the Solicitor and Client Bill of Costs duly taxed and certified;
- (d) Exhibit D is a copy of the Statement of Claim filed in the said action;
- (e) Exhibit E is the Assignment of Judgment.

17. To the best of my knowledge the following description of the defendant is reasonably accurate:

Full name.....

Residence.....

Business Address.....

Employer.....

Occupation.....

Approximate Age.....

18. To the best of my (our) knowledge the following description of the defendant's motor vehicle is reasonably accurate:

Make.....Year.....Model.....

Registered for year.....

Permit No.....

19. This is my (our) application for payment out of The Motor Vehicle Accident Claims Fund for the following amounts:

Injury to or death of a person....\$.....

Damage to property.....\$.....

Costs.....\$.....

Total.....\$.....

SWORN before me.....

at the.....of.....
in the.....of.....
this.....day of.....
19....

A Commissioner, etc.

NOTE: ALL PLAINTIFFS TO ACTION MUST SIGN.

AMPLE SPACE HAS BEEN PROVIDED IN SEVERAL PLACES TO PERMIT THE FORM TO BE ADAPTED TO ANY SITUATION. BEFORE THE ADMINISTRATION OF THE OATH ALL UNUSED SPACES SHOULD BE SO RULED OR MARKED AS TO PREVENT ANY SUBSEQUENT INSERTION.

Form 2

Motor Vehicle Accident Claims Act

APPLICATION TO THE MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS
FOR RESTORATION OF DRIVER'S LICENCE OF A PERSON INDEBTED TO THE
MOTOR VEHICLE ACCIDENT CLAIMS FUND

PLEASE PRINT

MAIL TO MOTOR VEHICLE ACCIDENT CLAIMS BRANCH

7th Floor
555 Yonge Street
Toronto M7A 2H6

OFFICE HOURS

8 a.m. to 4 p.m.

1. Last Name.....
- First Name.....
- Middle Name.....

2. Where do you live.....
.....
.....
What is your Telephone No.....

3. Where have you lived for the past 3 years.....
.....
.....

4. What is your driver's licence No.

5. What is your social security No.

6. Date of birth..... (day) (month) (year)

Sex Female ☐ Male ☐

7. Name of husband or wife..... (first name) (middle name)

Date of birth of husband or wife (day) (month) (year)

9. What is your occupation.....

10. For whom do you work.....

What is the address.....

.....

11. How long have you worked there.....

12. How much do you earn before deductions? Monthly.....

 Weekly.....

Have you any other income (Family allowance, pension, etc.).....

13. List your monthly expenses.

.....

14. Do you own an automobile? Make Year Licence No. and Year

Does any member of your family own an automobile?

Name of Owner	Make	Year	Licence No. and Year
.....			
Name of your insurance company (and agent).....			
.....			
Policy No.....			

An Ontario Certificate of Insurance must be on file with our Office until your indebtedness is paid in full. A motor vehicle liability insurance card will not be accepted.

Do you own a house or other property?

Location.....

15. The minimum monthly payment suggested by the Motor Vehicle Accident Claims Fund is 10 per cent of your gross monthly earnings, subject to a minimum of \$25 per month.

16. I hereby agree to make instalment payment of \$.....effective as of the date the Motor Vehicle Accident Claims Fund requests the lifting of suspension of my driver's licence and on that day of each subsequent month until the debt is paid in full. I also agree to complete a new proposal upon request and to abide by the decision of the Director of the Fund regarding the amount of instalment payment.

I REALIZE THAT FAILURE TO PAY AN INSTALMENT WITHIN 10 DAYS OF THE DUE DATE
WILL RESULT IN SUSPENSION OF MY DRIVER'S LICENCE WITHOUT FURTHER NOTICE.

Sign here.....

Date.....

All payments must be made in cash or by certified cheque, bank draft or money order payable to
the Treasurer of Ontario and delivered or mailed to The Motor Vehicle Accident Claims Fund.

O. Reg. 620/78, s. 2, *part.*

REGULATION 665

under the Motor Vehicle Dealers Act

GENERAL

REGISTRATION

1.—(1) An application for registration as a motor vehicle dealer or a renewal thereof shall be in Form 1. O. Reg. 846/80, s. 1, *part*.

(2) An application for registration as a salesman shall be in Form 2. O. Reg. 687/75, s. 1, *part*.

(3) An application for renewal of registration as a salesman shall be in Form 3. O. Reg. 687/75, s. 1, *part*.

(4) A notice by a motor vehicle dealer under,

(a) clause 17 (1) (a) or (d) of the Act, shall be in Form 4;

(b) clause 17 (1) (b) of the Act, shall be in Form 4 and Form 5; and

(c) clause 17 (1) (c) of the Act, shall be in Form 6.

(5) A notice by a salesman under subsection 17 (2) of the Act, shall be in Form 6. O. Reg. 846/80, s. 1, *part*.

(6) A request for voluntary cancellation of registration under subsection 7 (7) of the Act shall be in Form 7. O. Reg. 687/75, s. 1, *part*.

FEES

2. Fees payable to the Registrar are as follows:

1. Upon application for registration as a motor vehicle dealer or renewal thereof . \$80

2. For each branch office 80

3. Upon application for registration as a salesman or renewal thereof 40

O. Reg. 846/80, s. 2.

BONDS

3.—(1) Every application for registration shall be accompanied by the prescribed fee and, in the case of a motor vehicle dealer, by a bond in such amount and form as is prescribed. O. Reg. 98/71, s. 3 (1); O. Reg. 516/71, s. 1.

(2) The bond shall be in the amount of \$5,000 and shall be,

(a) the bond of a guarantee company approved under the *Guarantee Companies Securities Act*;

(b) a personal bond accompanied by collateral security; or

(c) the bond of a guarantor, other than a guarantee company, accompanied by collateral security.

(3) The classes of negotiable security that may be accepted as collateral security for a bond are:

(a) bonds issued or guaranteed by Canada; or

(b) bonds issued or guaranteed by any province of Canada.

(4) The collateral security referred to in subsection (2) shall be deposited with the Treasurer of Ontario and maintained at a market value of not less than the face value of the bond. O. Reg. 98/71, s. 3 (2, 4).

(5) The bond referred to in subsection (1) shall be in Form 8, Form 9 or Form 10, as the case may be. O. Reg. 687/75, s. 2.

4. A bond may be cancelled by any person bound thereunder by giving to the Registrar and the motor vehicle dealer named in the bond, at least two months notice in writing of intention to cancel and, subject to section 5, the bond shall be deemed to be cancelled on the date stated in the notice, which date shall be not less than two months after the receipt of the notice by the Registrar. O. Reg. 98/71, s. 4; O. Reg. 516/71, s. 1.

5. For the purpose of every act or omission occurring,

(a) during the period of registration; or

(b) during the period prior to cancellation of the bond under section 4 where there has been no termination of registration,

every bond shall continue in force and the collateral security, if any, shall remain on deposit for a period of two years following the termination of the registration or the cancellation of the bond, as the case may be. O. Reg. 98/71, s. 5.

6. Where a bond has been cancelled or the registration has been terminated, and the bond has not been forfeited, the Treasurer of Ontario may, two years following the termination of the registration to which the bond relates or two years after the cancellation of the bond, deliver the collateral security to the person who deposited such security. O. Reg. 98/71, s. 6.

7. The Registrar may declare any bond mentioned in section 3 forfeited,

- (a) where a motor vehicle dealer, including any member of a partnership, in respect of whose conduct the bond has been conditioned, has been convicted of,
 - (i) an offence under the Act, or
 - (ii) an offence involving fraud or theft or conspiracy to commit an offence involving fraud or theft under the *Criminal Code* (Canada), and the conviction has become final;
- (b) where proceedings by or in respect of a motor vehicle dealer, including any member of a partnership, in respect of whose conduct the bond has been conditioned, have been taken under the *Bankruptcy Act* (Canada), either by way of assignment, or by petition, or where proceedings have been taken by way of winding-up, and in the case of a petition, a receiving order under the *Bankruptcy Act* (Canada), or a winding-up order has been made, and the order has become final;
- (c) where a judgment based on a finding of fraud has been given against a motor vehicle dealer, including any member of a partnership, in respect of whose conduct the bond has been conditioned and the judgment has become final; or
- (d) where judgment has been given against a motor vehicle dealer, including any member of a partnership, in respect of whose conduct the bond has been conditioned, on any claim arising out of a transaction involving a motor vehicle, other than a judgment against the motor vehicle dealer in favour of a salesman or other motor vehicle dealer, and the judgment has remained unsatisfied for a period of ninety days,

and thereupon the amount thereof becomes due and owing by the person bound thereby as a debt due the Crown in right of Ontario. O. Reg. 516/71, s. 2.

8. Where a bond secured by the deposit of collateral security is forfeited under section 7, the Treasurer of Ontario may sell the collateral security at the current market price. O. Reg. 98/71, s. 8.

9. Where the Crown in right of Ontario becomes a creditor of a person in respect of a debt to the Crown arising from the provisions of section 7, the Registrar may take such proceedings as he sees fit under the *Bankruptcy Act* (Canada), the *Judicature Act*, the *Business Corporations Act* or the *Winding up Act* (Canada) for the appointment of an interim receiver, custodian, trustee, receiver or liquidator, as the case may be. O. Reg. 98/71, s. 9.

10.—(1) The Treasurer of Ontario may in his discretion,

- (a) assign any bond forfeited under section 7 and transfer the collateral security, if any;
- (b) pay over any money recovered under the bond;
- (c) pay over any money realized from the sale of the collateral security under section 8,

to any person who,

- (d) is a judgment creditor of any motor vehicle dealer, including any member of a partnership, in respect of whose conduct the bond has been conditioned, where the judgment was based on a claim arising out of a transaction involving a trade in a motor vehicle;
- (e) in respect of a claim for less than \$100 against any motor vehicle dealer, including any member of a partnership, in respect of whose conduct the bond has been conditioned, arising out of a transaction involving a trade in a motor vehicle, satisfies the Registrar as to the validity of such claim; or
- (f) has proven a claim in bankruptcy against any motor vehicle dealer, including any member of a partnership, in respect of whose conduct the bond has been conditioned, in respect of any claim arising out of a transaction involving a trade in a motor vehicle,

provided that the claim or transaction occurred during the period referred to in clause 5 (a) or (b). O. Reg. 98/71, s. 10 (1); O. Reg. 516/71, s. 1.

(2) The Treasurer of Ontario may, where he considers it advisable, without any order, pay the whole or any part of the proceeds referred to in clause (1) (b) or (c) to the accountant of the Supreme Court in trust for such persons as are or may become entitled to share in the proceeds of the bond under the provisions of subsection (1). O. Reg. 98/71, s. 10 (2).

11. Where a bond has been forfeited and the Treasurer of Ontario has not received notice in writing of any claim against the proceeds of the bond or such part as remains in his hands within two years of the forfeiture, the Treasurer of Ontario may pay the proceeds of the bond or the collateral security, or any part remaining, to any person who made a payment under the bond or who deposited the collateral security, after first deducting the amount of any expenses that have been incurred in connection with any investigation or otherwise relating to the motor vehicle dealer, including any member of a partnership, in respect of whose conduct the bond was conditioned. O. Reg. 98/71, s. 11; O. Reg. 516/71, s. 1.

12. Nothing in this Regulation affects the rights or obligations of any person under a salesman's bond issued before this Regulation comes into force. O. Reg. 98/71, s. 12.

TERMS AND CONDITIONS OF REGISTRATION

13.—(1) Every registration expires on the date shown on the certificate of registration unless the prescribed application for renewal of registration, together with the prescribed fee, is filed with the Registrar prior to the date of expiry. O. Reg. 846/80, s. 3 (1).

(2) Every registration is conditional for a sixty day period following registration pending verification of the registrant's application.

(3) Every motor vehicle dealer shall only operate from premises or branch premises,

(a) that are approved by the Registrar;

(b) that have an office for the conduct of business; and

(c) upon which is erected a sign clearly visible, identifying the motor vehicle dealer's registered name and the premises to the public. O. Reg. 98/71, s. 13 (2, 3).

(4) Every motor vehicle dealer shall, within five days after the event, notify the Registrar in Form 4 of any change in the location of his place or of any of his places of business.

(5) Where the motor vehicle dealer is a corporation it shall, within five days after the event, notify the Registrar in Form 4 and Form 5 where there is a change in a director of the corporation or in Form 4 where there is a change in its controlling interest. O. Reg. 846/80, s. 3 (2).

(6) Every motor vehicle dealer shall maintain a repair facility or have a continuing agreement with an authorized repair garage whereby the owner of the garage agrees to carry out repairs on behalf of the motor vehicle dealer.

(7) Where the registration of a motor vehicle dealer is revoked, suspended or cancelled or, where he has voluntarily gone out of business, the motor vehicle dealer shall immediately return his certificate of registration to the Registrar by registered mail.

(8) Where the registration of a salesman is revoked, suspended or cancelled or, where he no longer intends to be employed as a salesman, the salesman shall immediately return his certificate of registration to the Registrar by registered mail. O. Reg. 98/71, s. 13 (6-8); O. Reg. 516/71, s. 1.

(9) Where a salesman has not applied for a transfer of registration within sixty days of termination of his employment, and where he intends to continue as a salesman, he shall apply for registration by filing an application in Form 2 together with the prescribed fee. O. Reg. 846/80, s. 3 (3).

(10) The Registrar may require further information or material to be submitted by any applicant

or any registrant within a specified time limit and may require verification by affidavit or otherwise of any information or material then or previously submitted. O. Reg. 98/71, s. 13 (10).

(11) Where the motor vehicle dealer is an individual or partnership it shall, within five days after the event, notify the Registrar in writing of the name of any other person who has invested money in or who may have assumed partial or complete control of the motor vehicle dealer.

(12) Where a notice of intention to cancel a bond has been served on the Registrar under section 4 and the bond has been cancelled on the date stated in the notice the registration of the motor vehicle dealer shall no longer be valid unless prior to that date a replacement bond has been received by the Registrar.

(13) No motor vehicle salesman shall be registered to more than one motor vehicle dealer at the same time unless the controlling interest in any other motor vehicle dealer by which the motor vehicle salesman is employed is held by the motor vehicle dealer to whom the motor vehicle salesman is registered. O. Reg. 516/71, s. 3.

EXEMPTIONS

14. The following classes of persons are exempt from the Act:

1. A person who purchases motor vehicles for the purpose of wrecking or dismantling such cars and not for resale.
2. A person who conducts auctions for registered motor vehicle dealers if such person has no property interest in the cars being sold and sales are made only to registered motor vehicle dealers.
3. An assignee, custodian, liquidator, receiver, trustee or other person acting under the *Bankruptcy Act* (Canada), the *Business Corporations Act*, the *Judicature Act*, the *Winding-up Act* (Canada) or a person acting under the order of any court or an executor or trustee who sells a motor vehicle in the course of his duties.
4. A barrister and solicitor where the sale of a motor vehicle is made in the course of his practice.
5. A person who, on his own account, sells his own car that was purchased and used for his personal or family use.
6. A leasing company that is a subsidiary or an associate of a registered motor vehicle dealer, provided the leasing company has filed with the Registrar a declaration that all lease-expired vehicles will be sold through the registered motor vehicle dealership and not offered to the public by the leasing company.

7. A person who sells a power-assisted bicycle equipped with a pedalling device having an auxiliary motor attached and who is not otherwise engaged in the business of buying or selling motor vehicles. O. Reg. 98/71, s. 14; O. Reg. 516/71, s. 1; O. Reg. 28/75, s. 1.

RECORDS

15. Every motor vehicle dealer shall maintain for a period of two years from the date of the original transaction, purchase orders, sales orders and written records of all transactions resulting in the purchase or sale of a motor vehicle and in the case of a used motor vehicle the complete record of any reconditioning or other work performed on the vehicle including the date and particulars of all work done, supported by repair orders, the cost of such work and details and cost of any inspection conducted under subsection 73 (1) of the *Highway Traffic Act*. O. Reg. 539/71, s. 1.

16.—(1) Where a new motor vehicle is sold, the sales or purchase order shall show,

- (a) the name and address of the purchaser;
- (b) the date of the sale;
- (c) the make of the vehicle;
- (d) the model year;
- (e) the manufacturer's serial number;
- (f) the body type;
- (g) the manufacturer's suggested retail price;
- (h) an itemized list of the manufacturer's suggested retail price of all extra equipment to be sold to the purchaser or installed by the motor vehicle dealer according to the agreement made at the time of the sale;
- (i) the total manufacturer's suggested retail price;
- (j) the discount given, if any;
- (k) the sale price;
- (l) the down payment or deposit, if any;
- (m) the balance to be paid by the purchaser;
- (n) an itemized list of the cost of any other charges for which the purchaser is responsible, such as insurance and licence fees; and
- (o) if the balance is to be financed, the information that a lender is required to give to a borrower, before giving the credit, under

section 24 of the *Consumer Protection Act*, together with a notation that the said section has been complied with.

(2) Where a used motor vehicle is sold, the sales or purchase order shall show,

- (a) the name and address of the purchaser;
- (b) the date of sale;
- (c) the make of vehicle;
- (d) the model year;
- (e) the manufacturer's serial number;
- (f) the body type;
- (g) the licence plate number;
- (h) the sale price;
- (i) an itemized list of the cost of all extra equipment sold to the purchaser and to be installed by the motor vehicle dealer according to the agreement made at the time of sale;
- (j) the total sale price;
- (k) the down payment or deposit, if any;
- (l) the balance to be paid by the purchaser;
- (m) an itemized list of the cost of other charges for which the purchaser is responsible such as insurance and licence fees;
- (n) if the balance is to be financed, the information that a lender is required to give to a borrower, before giving the credit, under section 24 of the *Consumer Protection Act*, together with a notation that the said section has been complied with;
- (o) the recorded odometer reading at the time of sale; and
- (p) an itemized list of any repairs to be effected and the cost thereof, if any.

(3) Where a used motor vehicle is purchased or traded in, the sales or purchase order shall show,

- (a) the name and address of the last registered owner;
- (b) the date of purchase;
- (c) the description of the vehicle as required in clauses (1) (c), (d), (e) or (f);
- (d) the licence number;
- (e) the purchase price or trade-in allowance;

- (f) a statement obtained from the previous owner as to whether the vehicle has previously been used as a taxicab or a police cruiser; and
 - (g) the recorded odometer reading at the time of purchase or trade-in. O. Reg. 539/71, s. 2.
- (4) All sales orders or purchase orders referred to in this section shall also show,
- (a) the name and signature of the person accepting the order on behalf of the motor vehicle dealer;
 - (b) the name and signature of the salesman; and
 - (c) the salesman's registration number.
- (5) Where there is no warranty or guarantee in respect of the used motor vehicle, this shall be clearly stated on the face of the sales order.
- (6) A duplicate original copy of the sales order of a motor vehicle with the original signature of the purchaser thereon shall be given to the purchaser when the order is accepted by the motor vehicle dealer. O. Reg. 516/71, s. 4, *part*.

17. Where a motor vehicle dealer arranges for the financing of the balance shown on the sales order of a motor vehicle, he shall complete the negotiable instrument, conditional sales agreement, chattel mortgage, or other security instrument, before delivery of the motor vehicle is made and the terms of financing shall not vary from the particulars shown on the sales order unless all such changes are made with the full knowledge and consent of the purchaser. O. Reg. 98/71, s. 17; O. Reg. 516/71, s. 1.

DISCLOSURES AND ALTERATIONS

18.—(1) Every advertisement placed by or on behalf of a motor vehicle dealer shall identify the name under which the motor vehicle dealer is registered and the address of the premises from which he is authorized to operate.

(2) No motor vehicle dealer shall advertise or offer for sale any motor vehicle that has been used as a taxicab or police cruiser, without making such disclosure in the advertisement or the offer for sale.

(3) No motor vehicle dealer shall refer in any advertisement or offer for sale of a motor vehicle to the motor vehicle as being a company car, an executive car, or a demonstrator unless such car was used by the motor vehicle dealer in the course of his normal

operation and had been acquired by the motor vehicle dealer as a new automobile. O. Reg. 98/71, s. 18; O. Reg. 516/71, s. 1.

19.—(1) Except in the case of a *bona fide* exchange or repair of an odometer and subject to subsection (2), no motor vehicle dealer or salesman shall alter, adjust or permit any alteration or adjustment to the odometer on any motor vehicle in his possession or control in such a manner that as a result of the alteration or adjustment the total distance indicated on the odometer is other than the total distance travelled by the motor vehicle.

(2) Where a motor vehicle dealer exchanges an odometer or effects any repairs to the odometer of a motor vehicle in his possession or control or to any other part of such motor vehicle that is directly related to the odometer, he shall record in the reconditioning record of that motor vehicle the reading in miles or kilometres that was on the odometer prior to the exchange or repair and shall ensure that the identical reading appears on the odometer of the motor vehicle after the exchanges or repairs have been effected. O. Reg. 846/80, s. 4.

TRUST FUNDS

20.—(1) All funds received by a motor vehicle dealer prior to the delivery of the motor vehicle shall be deemed to be trust funds. O. Reg. 98/71, s. 20 (1); O. Reg. 516/71, s. 1.

(2) For the purposes of subsection (1), every motor vehicle dealer shall maintain a ledger account into which shall be entered the names and addresses of all persons from whom trust funds are obtained with details of the amounts retained and a record of all disbursements therefrom. O. Reg. 516/71, s. 5, *part*.

(3) Every motor vehicle dealer shall maintain in respect of all funds that come into his hands in trust a separate trust account clearly designated as "The Motor Vehicle Dealers Act Trust Account" in a chartered bank, loan or trust company, Province of Ontario Savings Office or a credit union as defined in the *Credit Unions and Caisses Populaires Act* and into which he shall deposit such funds and every motor vehicle dealer shall, at all times, keep such funds secure and make disbursements from such trust account in accordance with the terms of the trust. O. Reg. 846/80, s. 5.

(4) Where funds are paid, whether by way of deposit, down payment or otherwise, on account of an undelivered motor vehicle, the motor vehicle dealer shall retain such funds in trust for the purchaser until,

- (a) the motor vehicle is delivered;
 - (b) the contract is mutually cancelled; or
 - (c) direction or authority is received from the Registrar concerning disbursements.
- O. Reg. 516/71, s. 5, *part*.

Form 1

Motor Vehicle Dealers Act

APPLICATION FOR BUSINESS REGISTRATION OR RENEWAL

THE UNDERSIGNED APPLIES TO THE REGISTRAR FOR REGISTRATION AS, A

MOTOR VEHICLE DEALER UNDER THE MOTOR VEHICLE DEALERS ACT

New Registration	<input checked="" type="checkbox"/> Check One
	A <input type="checkbox"/>
Renewal of Registration	<input type="checkbox"/>
	R <input type="checkbox"/>
<input checked="" type="checkbox"/> Check One	
Sole Proprietor	4 <input type="checkbox"/>
Partnership	5 <input type="checkbox"/>
Corporation	6 <input type="checkbox"/>
Date of Application	
Yr	Mo Dy

AND FOR THE PURPOSE OF OBTAINING REGISTRATION GIVES THE FOLLOWING INFORMATION:

Application on behalf of		
Name under which Business will be operated (if different from above)		
Business Address - Street	Apartment/suite	
City	Province	Postal Code
		—
Mailing Address (if different from above) - Street	Apartment/Suite	
City	Province	Postal Code
		—

[illegible]

b) Has the applicant ever had a licence or registration of any kind refused, suspended, revoked or cancelled? ☐ YES ☐ NO
If yes, give full particulars.

Will the applicant be engaged, occupied or employed in any other business, occupation or profession? ☐ YES ☐ NO
If yes, give full particulars.....

a) Is the applicant a discharged or undischarged bankrupt, or presently a party to bankruptcy proceedings? ☐ YES ☐ NO

b) Has the applicant ever been (or is he now) an officer, director, or majority shareholder of a corporation which has been declared **bankrupt, or which is now a party to bankruptcy proceedings**? ☐ YES ☐ NO

Are there any unpaid judgments outstanding against the applicant? ☐ YES ☐ NO
If yes, submit a copy of each judgement.

Has the applicant ever been convicted under any law of any country, or state, or province thereof of an offence, or are there any proceedings now pending? ☒ YES ☐ NO

If yes, give full particulars.

NOTE: Where the applicant has been previously registered, list only those offences which have occurred since the date of last filing. You are not required to disclose any conviction in respect of which a pardon has been granted.

Is there any person or corporation whose name is not disclosed above who has any **financial interest in the applicant** otherwise exercises control or direction over the applicant? ☐ YES ☐ NO

If yes, give full particulars

Name		

FOR CORPORATIONS ONLY

Date of Incorporation		Jurisdiction of Incorporation: <input type="checkbox"/> Ontario <input type="checkbox"/> Other		If other Please specify:	
Name of Shareholder of Record	Address of Shareholder of Record		Occupation of Shareholder of Record	No. of Shares held	No. of Equity (Voting) Shares held
Total number of shares issued to date					
Total number of shares issued to date which carry voting rights					
Enter total number of equity (voting) shares beneficially owned directly or indirectly, by non-residents of Canada or over which non-residents of Canada exercise control or direction					
Is the corporation entitled to offer its shares to the public?				<input type="checkbox"/> YES	<input type="checkbox"/> NO
Are any of the above shares held for a beneficial shareholder?				<input type="checkbox"/> YES	<input type="checkbox"/> NO
If yes, give full particulars below:					
Name of Shareholder of Record	Name of Beneficial Shareholder	Address of Beneficial Shareholder	Occupation of Beneficial Shareholder	No. of Shares Beneficially held	No. of Equity (Voting) Shares Benefic held

FOR SOLE PROPRIETORS OR PARTNERS OF A PARTNERSHIP

Name of Applicant or Partner			Check One <input checked="" type="checkbox"/> Canadian Citizenship <input type="checkbox"/> Landed Immigrant Status <input type="checkbox"/> Employment Visa		
Sex M <input type="checkbox"/> F <input type="checkbox"/>	Canadian Resident? YES <input type="checkbox"/> NO <input type="checkbox"/> If yes, how long?		Yr Birth Date Mo Dy	Marital Status	Spouses Occupation
Hair	Eyes	Height	Weight	Build	Special Marks
Name of Partner			Check One <input checked="" type="checkbox"/> Canadian Citizenship <input type="checkbox"/> Landed Immigrant Status <input type="checkbox"/> Employment Visa		
Sex M <input type="checkbox"/> F <input type="checkbox"/>	Canadian Resident? YES <input type="checkbox"/> NO <input type="checkbox"/> If yes, how long?		Yr Birth Date Mo Dy	Marital Status	Spouses Occupation
Hair	Eyes	Height	Weight	Build	Special Marks

Provide the name and address of the financial institution where you will maintain a trust account and in which you will deposit all monies received by you in trust for others, in connection with your business:

Name of Financial Institution

Branch Address

EXPLANATION OF DIFFERENCE

Trust account information as of date of application for renewal.

1) Trust account reconciled bank balance

(a)

\$

2) Balance of trust liability (trust ledger)

(b)

\$

Difference (if any)

\$

Do you require a permit from your municipality or other authority to operate an automobile dealership? ☐ YES ☐ NO

If yes, state permit number

Authority

Date of Issue

yr

mo

dy

Are there any local by-laws prohibiting the sale of automobiles from this location? ☐ YES ☐ NOWill you have a motor vehicle lot with an office at the same location? ☐ YES ☐ NOWill you have repair facilities? ☐ YES ☐ NOWill you have a sign showing your trade name? ☐ YES ☐ NO

NOTES: 1. Your office may not be located within a residence.

2. If you do not have repair facilities, submit a copy of an agreement with an established repair shop.

Ontario Branch Offices

Head Office Registration No.

Effective Date YR MO DY	New <input type="checkbox"/> Change <input type="checkbox"/> Closing <input type="checkbox"/>	Br. Registration No.	Branch Name		Manager/Supervisor (Surname first)	
		Street	Apartment/Suite	City	Postal code	

Officers/Partners/Directors/Sole Proprietor

NOTE "Active" means engaged in the DAY TO DAY OPERATION of the business

Check one (✓) for each person.

Effective Date YR MO DY	New <input type="checkbox"/> Termination <input type="checkbox"/>	Registration No.	Surname	First Name	Initials	Status Active <input type="checkbox"/> Non-Active <input type="checkbox"/>
		Birthdate Yr Mo Dy	Sex M <input type="checkbox"/> F <input type="checkbox"/>	Position held in company		
Residence Address - Street			City	Province	Postal Code	Telephone No.

Signature of Applicant/s

NOTE: For Corporations the application must be signed by an officer and a director, or by two officers.
For Partnerships the application must be signed by all partners.

Dated at _____, this _____ day of _____, 19____.

WARNING: It is an offence to knowingly provide false information on this application.

Form 2

Motor Vehicle Dealers Act

APPLICATION FOR EMPLOYEE REGISTRATION

THE UNDERSIGNED APPLIES TO THE REGISTRAR FOR REGISTRATION AS A

SALESMAN UNDER THE MOTOR VEHICLE DEALERS ACT

Date of Application		
Yr	Mo	Dy

1. AND FOR THE PURPOSE OF OBTAINING REGISTRATION GIVES THE FOLLOWING INFORMATION:

Surname		First Name		Initials	
Residence Address - Street			Apartment/Suite		
City	Province	Postal Code	M	Sex	F
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			Yr	Birthdate	Dy
				Mo	

CERTIFICATE OF EMPLOYER

I, Registered Name of intended Employer

hereby certify that the information given by the applicant is to the best of my knowledge and belief true, and request that the application be granted. I further certify that I will not employ the applicant as a registrant until I receive his certificate of registration.

Name of Official	Signature	Title	
Business Address - Street	Apartment/Suite	Bus. Registration No.	
City	Province	Postal Code	Bus. Telephone No.

PROVIDE PARTICULARS OF OCCUPATION DURING PAST 3 YEARS (including periods of unemployment, illness etc)

Name and Address of Employer	Nature of Business of Employer	Nature of Employment	Period of Employment (give exact dates) From: To:

a) Are you registered, or have you ever been licenced or registered, under any other act ?
If yes, give full particulars.

☐ YES ☐ NO

b) Have you ever had a licence or registration of any kind refused, suspended, revoked or cancelled?
If yes, give full particulars.

☐ YES ☐ NO

Will you be engaged or employed in any other business, occupation or profession?.....
If yes, give full particulars.

☐ YES ☐ NO

a) Are you a discharged or undischarged bankrupt, or presently a party to bankruptcy proceedings?

☐ YES ☐ NO

b) Has the applicant ever been (or is he now) an officer, director or majority shareholder of a corporation which has been declared **bankrupt, or which is now a party to bankruptcy proceedings?**.....

☐ YES ☐ NO

Are there any unpaid judgments outstanding against you?

☐ YES ☐ NO

If yes, submit a copy of each judgment.

Have you ever been convicted under any law of any country, or state, or province thereof, of an offence, or are there any proceedings now pending?

☐ YES ☐ NO

If yes, give full particulars:

NOTE: Where the applicant has been previously registered list only those offences which have occurred since the date of last filing. You are not required to disclose any conviction in respect of which a pardon has been granted.

Signature of Applicant

Dated at _____, this _____ day of _____, 19____.

WARNING. It is an offence to knowingly provide false information on this application.

FOR CORPORATIONS ONLY

Give details of all changes in shareholders together with the number of shares held by each as of the date of change. Where shareholders are nominees, or hold shares in trust, give the name of the beneficial owner of such shares. Include both the additions to and deletions from the record of shareholders.

DELETIONS

Name of Shareholder of Record	Address of Shareholder of Record	Occupation of Shareholder of Record	No. of Shares Held	No. of Equity (Voting) Shares Held

ADDITIONS

Name of Shareholder of Record	Address of Shareholder of Record	Occupation of Shareholder of Record	No. of Shares Held	No. of Equity (Voting) Shares Held
Total number of shares issued to date				
Total number of shares issued to date which carry voting rights				
Enter Total number of equity (voting) shares beneficially owned directly or indirectly, by non-residents of Canada or over which non-residents of Canada exercise control or direction				

Are any of the above shares held for a beneficial shareholder ☐ YES ☐ NO
If Yes, give full particulars below:

Name of Shareholder Of Record	Name of Beneficial Shareholder	Address of Beneficial Shareholder	Occupation of Beneficial Shareholder	No. of Shares Beneficially Held	No. of Equity (Voting) Shares Benefic. Held

Is there any person or corporation whose name is not disclosed above who has any financial interest in the applicant beneficially, or who otherwise exercises control or direction over the applicant? ☐ YES, ☐ NO
If Yes, give full particulars below:

Name	Address	Full Particulars

Do you require a permit from your municipality or other authority to operate an automobile dealership? ... ☐ YES ☐ NO

If yes, state permit number Authority Date of Issue yr mo dy

Are there any local by-laws prohibiting the sale of automobiles from this location? ☐ YES ☐ NO

Will you have a motor vehicle lot with an office at the same location? ☐ YES ☐ NO

Will you have repair facilities? ☐ YES ☐ NO

Will you have a sign showing your trade name? ☐ YES ☐ NO

- NOTES: 1. Your office may not be located within a residence.
2. If you do not have repair facilities, submit a copy of an agreement with an established repair shop.

Is there any change in the location (address) of your trust account?.....		<input type="checkbox"/> YES <input type="checkbox"/> NO
If yes, give full particulars below:		
Financial Institution	Branch Address	

Ontario Branch Offices

Head Office Registration No. _____

Effective Date	New (✓) <input type="checkbox"/> Change <input type="checkbox"/> Closing	Br. Registration No.	Branch Name (If different from Head Office)		
		Street	City	Postal Code	Manager/Supervisor (Surname first)
YR MO DY					

Effective Date	New (✓) <input type="checkbox"/> Change <input type="checkbox"/> Closing	Br. Registration No.	Branch Name (If different from Head Office)		
		Street	City	Postal Code	Manager/Supervisor (Surname first)
YR MO DY					

Officers/Partners/Directors/Sole Proprietor

Check one (✓) for each person.

Effective Date	New (✓) <input type="checkbox"/> Change <input type="checkbox"/> Closing	Registration No.	Surname	First Name	Initials	Status
		Termination <input type="checkbox"/>	Birthdate Yr Mo Dy	Sex M F	Position held in company	Active Non-Active <input type="checkbox"/> <input type="checkbox"/>
YR MO DY						
Residence Address - Street			City	Province	Postal Code	Telephone No.

Effective Date	New (✓) <input type="checkbox"/> Change <input type="checkbox"/> Closing	Registration No.	Surname	First Name	Initials	Status
		Termination <input type="checkbox"/>	Birthdate Yr Mo Dy	Sex M F	Position held in company	Active Non-Active <input type="checkbox"/> <input type="checkbox"/>
YR MO DY						
Residence Address - Street			City	Province	Postal Code	Telephone No.

Signature of Applicant(s)	
NOTE: For Corporations the application must be signed by an officer and a director, or by two officers. For Partnerships the application must be signed by all partners.	
Dated at _____, this _____, day of _____, 19____	
WARNING It is an offence to knowingly provide false information on this application.	

O. Reg. 846/80, s. 6, part.

[illegible]

- a) Is the applicant registered, or has the applicant ever been licensed: ~~or~~ registered, under any other act? ☐ YES ☐ NO
If yes, give full particulars. _____
- b) Has the applicant ever had a licence or registration of any kind refused, suspended, revoked or cancelled? ☐ YES ☐ NO
If yes, give full particulars. _____

Have you any business association with any individual, firm, partnership, or corporation currently holding registration under any provincial statute? ☐ yes ☐ no

If yes, give full particulars: _____

Will you be engaged, occupied or employed in any other business, occupation or profession? ☐ ~~yes~~ ☐ no

If yes, give full particulars: _____

- a) Is the applicant a discharged or undischarged bankrupt, or presently a party to bankruptcy proceedings? ☐ YES ☐ NO
- b) Has the applicant ever been (or is he now) an officer, director, or majority shareholder of a corporation which has been declared bankrupt, or which is now a party to bankruptcy proceedings? ☐ YES ☐ NO

Are there any unpaid judgments outstanding against you? ☐ yes ☐ no

If yes, submit a copy of each judgment. _____

Have you ever been convicted under any law of any country, or state, or province thereof, of an offence, or are there any proceedings now pending? ☐ yes ☐ no

If yes, give full particulars: _____

Signature of new Officer/ON DIRECTOR

Dated at _____, this _____ day of _____, 19____.

WARNING: It is an offence to knowingly provide false information on this application.

Form 6

Motor Vehicle Dealers Act

NOTICE OF EMPLOYEE CHANGE

SALESMAN UNDER THE MOTOR VEHICLE DEALERS ACT

Employee Registration No.		
Date of Notification		
Yr	Mo	Dy

EMPLOYEE NAME

Surname		First Name			Residence Tele. No.	
Residence Address - Street Name, Number,		Apartment/Suite	City	Province	Postal Code	Business Tele. No.

COMPLETE APPLICABLE SECTION BELOW:
TRANSFER OF EMPLOYEE

Business Name of Last Employment				Bus. Registration No.		Date of Termination	
						Yr	Mo Dy
Was employee a Partner, Officer, Director or Shareholder of the Business? <input type="checkbox"/> YES <input type="checkbox"/> NO							
New Employer Information							
Business Name				Bus. Registration No.		Starting Date	
						Yr	Mo Dy
Address - Street Name, Number,		Apartment/Suite	City	Province	Postal Code	Telephone No.	
Employee's Signature		Employer's Signature			Title		

CHANGE OF RESIDENCE ADDRESS

OLD	Street Name, Number, Apartment/Suite		Apartment/Suite	City	Province	Postal Code
NEW	Street Name, Number, Apartment/Suite		Apartment/Suite	City	Province	Postal Code

TERMINATION OF EMPLOYEE

Business Name		Bus. Registration No.		Date of Termination	
				Yr	Mo Dy
Manager/Supervisor (Please Print)		Signature		Title	
Was Employee a Partner, Director or Shareholder of the Business? <input type="checkbox"/> YES <input type="checkbox"/> NO					
NOTE: A report on the conduct of the above named employee while in your employ must be filed either on the reverse side of this form or by attaching a separate letter to this form.					

Form 7

Motor Vehicle Dealers Act

REQUEST FOR VOLUNTARY CANCELLATION OF REGISTRATION

To the Registrar of Motor Vehicle Dealers and Salesmen

I,
hereby request that my registration as a

- ☐ motor vehicle dealer
- ☐ salesman

be cancelled, and I hereby surrender my registration.

.....
(witness) (signature of registrant)

DATED at, this day of, 19....
O. Reg. 687/75, s. 5, *part.*

Form 8

Motor Vehicle Dealers Act

BOND OF A GUARANTEE COMPANY

APPROVED UNDER
THE GUARANTEE COMPANIES SECURITIES ACT

Bond No..... Amount \$.....

KNOW ALL MEN BY THESE PRESENTS, that we.....
.....(hereinafter called the Principal) as Principal and
.....(hereinafter called the Surety) as Surety are held
and firmly bound unto Her Majesty in right of Ontario (hereinafter called the Obligee) in the sum of
..... Dollars (\$.....) of lawful money of
Canada, to be paid unto the Obligee, her successors and assigns, for which payment well and truly to be
made, I, bind myself, my heirs,
(Name of Principal)

executors, administrators and assigns, and we, bind
(Name of Surety)

ourselves, our successors and assigns jointly and firmly by these presents.

The total liability imposed upon the Principal or Surety by this Bond and any and all renewals thereof shall be concurrent and not cumulative and shall in no event exceed the penal sum written above or the amount substituted for such penal sum by any subsequent endorsement or renewal certificate.

SEALED with our Seals and dated this.....day of
....., 19....

THE CONDITION of the above obligation is such that if the said obligation does not by reason of any act, matter or thing at any time hereafter become or be forfeit under the *Motor Vehicle Dealers Act* then the obligation shall be void but otherwise shall be and remain in full force and effect and shall be subject to forfeiture as provided by the Act.

SIGNED, SEALED AND DELIVERED, in the presence of

Witness.....
(As to Signature of Principal)

.....

Principal.....
(Signature of Principal)

.....

Surety.....

O. Reg. 687/75, s. 5, *part*.

Form 9

Motor Vehicle Dealers Act

BOND OF GUARANTOR OTHER THAN GUARANTEE COMPANY

Bond No.....

Amount \$.....

KNOW ALL MEN BY THESE PRESENTS, that we.....
.....(hereinafter called the Principal) as Principal and
.....(hereinafter called the Guarantor) as Guarantor,
are held and firmly bound unto Her Majesty in right of Ontario (hereinafter called the Obligee) in the
sum of.....Dollars (\$.....) of lawful money of
Canada, to be paid unto the Obligee, her successors and assigns, for which payment well and truly to be
made, I, bind myself, my heirs,
(Name of Principal)
executors, administrators, and I, the said.....guarantee the
(Name of Guarantor)
payment of the sum of.....Dollars (\$.....)
to the Obligee and I, bind myself, my heirs,
(Name of Guarantor)
executors, administrators and assigns, jointly and firmly by these presents and by depositing with the
Obligee.....as collateral security to this Bond.

The total liability imposed upon the Principal or Guarantor by this Bond and any and all renewals thereof shall be concurrent and not cumulative and shall in no event exceed the penal sum written above or the amount substituted for such penal sum by any subsequent endorsement or renewal certificate.

SEALED with our seal and dated this.....day of
....., 19....

THE CONDITION of the above obligation is such that if the said obligation does not by reason of any act, matter or thing at any time hereafter become or be forfeit under the *Motor Vehicle Dealers Act*, then the said obligation shall be void but otherwise shall be and remain in full force and effect and shall be subject to forfeiture as provided by the said Act.

SIGNED, SEALED AND DELIVERED

in the presence of

.....

.....

} Principal

} Guarantor

NOTE: Government Bonds or other securities posted for the required bond should be registered and directed to: Securities Branch, Ministry of Treasury and Economics, Frost Building, Queen's Park, Toronto, Ontario.

SPECIAL NOTE:

The Guarantor should read the instructions re "Cancellation of Bond" and "Term of Bond" shown on the reverse side before signing this form, and note in particular that the bonds posted as security will remain on deposit for **two years after** the lapse or cancellation of the registration under the *Motor Vehicle Dealers Act*, or the cancellation of the bond, whichever occurs first.

O. Reg. 687/75, s. 5, *part*.

Form 10

Motor Vehicle Dealers Act

PERSONAL BOND

Bond No.

Amount \$

KNOW ALL MEN BY THESE PRESENTS, that I,

.....

(hereinafter called the Obligor) am held and firmly bound unto Her Majesty in right of Ontario (herein-
after called the Obligee) in the sum of Dollars (\$.....)
of lawful money of Canada, to be paid unto the Obligee, her successors and assigns, for which payment
well and truly to be made, I, bind myself, my heirs,
(Name of Obligor)
executors, administrators and assigns, and I, deposit with the
(Name of Obligor)
Obligee, as collateral security to this Bond.

The total liability imposed upon the Obligor by this Bond and any and all renewals thereof shall be concurrent and not cumulative and shall in no event exceed the penal sum written above or the amount substituted for such penal sum by any subsequent endorsement or renewal certificate.

SEALED with my seal and dated this day of
....., 19.....

THE CONDITION of the above obligation is such that if the said obligation does not by reason of any act, matter or thing at any time hereafter become or be forfeit under *The Motor Vehicle Dealers Act*, then the said obligation shall be void but otherwise shall be and remain in full force and effect and shall be subject to forfeiture as provided by the said Act.

SIGNED, SEALED AND DELIVERED

in the presence of

.....
.....

} Obligor.....
.....

NOTE: Government Bonds or other securities posted for the required bond should be registered and directed to: Securities Branch, Ministry of Treasury and Economics, Frost Building, Queen's Park, Toronto, Ontario.

SPECIAL NOTE:

The Obligor should read the instructions re "Cancellation of Bond" and "Term of Bond" shown on the reverse side before signing this form, and note in particular that the bonds posted as security will remain on deposit for **two years after** the lapse or cancellation of the registration under the *Motor Vehicle Dealers Act*, or the cancellation of the bond, whichever occurs first.

O. Reg. 687/75, s. 5, *part*.

REGULATION 666

under the Motor Vehicle Fuel Tax Act

FORMS

1. A notice of Objection under subsection 11 (10) of the Act shall be in Form 1. O. Reg. 873/79, s. 1.
2. A notice of Appeal under subsection 12 (3) of the Act shall be in Form 2. O. Reg. 873/79, s. 2.

Form 1

Motor Vehicle Fuel Tax Act

NOTICE OF OBJECTION

INSTRUCTIONS:
To be prepared in TRIPLICATE, ONE copy to be retained and TWO copies to be sent by REGISTERED MAIL addressed to the Minister of Revenue c/o the Director, Tax Appeals, Ministry of Revenue, Queen's Park, Toronto, Ontario M7A 1X8. The envelope containing this NOTICE must be postmarked within sixty days for Retail Sales Tax and ninety days for the other taxes after the day of mailing or delivery by personal service of the NOTICE of ASSESSMENT or STATEMENT of DISALLOWANCE of REBATE/REFUND CLAIM to which objection is being made.
A separate notice of OBJECTION must be filed for each NOTICE of ASSESSMENT or each STATEMENT of DISALLOWANCE of REBATE/REFUND CLAIM in dispute but, if convenient, facts and reasons may be consolidated.

Name of Taxpayer (CORPORATION, PURCHASER, REGISTRANT, VENDOR)		TELEPHONE NO.
STREET AND NUMBER		
Mailing Address	CITY / TOWN	PROVINCE POSTAL CODE

NOTICE OF OBJECTION is hereby given to the:

<input type="checkbox"/> ASSESSMENT NO. <input type="checkbox"/> STATEMENT OF DISALLOWANCE of Rebate/Refund Claim No. _____	DATE OF ASSESSMENT YEAR MONTH DAY	AMOUNT OF TAX \$	FOR PERIOD ENDING YEAR MONTH DAY
	STATEMENT DATE YEAR MONTH DAY	REBATE/REFUND AMOUNT \$	

under the following act (check one only)

☐ CORPORATIONS TAX ACT — Account No. ◀ Please Indicate

☐ GASOLINE TAX ACT

☐ MOTOR VEHICLE FUEL TAX ACT

☐ RETAIL SALES TAX ACT — Permit No. ◀ Please Indicate

☐ TOBACCO TAX ACT

☐ LAND TRANSFER TAX ACT

The following are the reasons for objection and a full statement of facts relating thereto:
(If space is insufficient, a separate memorandum should be attached setting forth
(1) full statement of reasons for objection, and (2) full statement of relevant facts.)

☐ CHECK HERE IF ADDITIONAL SHEETS ATTACHED

Date	Signature	Position or Office
This Notice must be signed by the Appellant or his/its Authorized Officer.		

Form 2

*Motor Vehicle Fuel Tax Act***Notice of Appeal**

IN THE SUPREME COURT OF ONTARIO

INSTRUCTIONS
FOR COMPLETION
ARE BELOW

In The Matter of (Check one only):

- ☐ Corporations Tax Act
☐ Gasoline Tax Act
☐ Motor Vehicle Fuel Tax Act
☐ Retail Sales Tax Act
☐ Tobacco Tax Act
☐ Land Transfer Tax Act

BETWEEN:

— AND —

THE MINISTER OF REVENUE

Appellant,

Respondent.

TAKE NOTICE that under (Check one only)

- ☐ Section 78 of the Corporations Tax Act
☐ Section 14 of the Gasoline Tax Act
☐ Section 12 of the Motor Vehicle Fuel Tax Act
☐ Section 23 of the Retail Sales Tax Act
☐ Section 13 of the Tobacco Tax Act
☐ Section 12 of the Land Transfer Tax Act

the Appellant appeals to the Supreme Court of Ontario from the decision of the Minister of Revenue

dated the

day of

19

in respect of

<input type="checkbox"/>	Assessment No.	Date of Assessment YEAR MONTH DAY	Amount of Tax \$	for Period ending YEAR MONTH DAY
OR	Statement of Disallowance	Statement Date YEAR MONTH DAY	Rebate/Refund Amount \$	
<input type="checkbox"/>	of Rebate/Refund Claim No. _____			

STATEMENT OF REASONS FOR APPEAL

(Set out relevant facts and law to be relied on in support of the appeal.)

INSTRUCTIONS:

To be prepared in quadruplicate, ONE copy to be retained, TWO copies to be sent by registered mail addressed to the Minister of Revenue, c/o the Director, Tax Appeals, Ministry of Revenue, Queen's Park, Toronto, Ontario, M7A 1X8 and ONE copy to be filed with the Supreme Court of Ontario in accordance with the statute under which the appeal is taken.

The copies addressed to the Minister must be postmarked within 90 days after the day of mailing of the notification that the Minister has confirmed the assessment or reassessed. The copy for the Supreme Court must be filed with the court within the same 90 day period. The Notice of Appeal must be signed by the Appellant or someone authorized to represent the Appellant in the appeal proceedings.

1246 (79-10)

O. Reg. 873/79, Form 2.

REGULATION 667

under the Motor Vehicle Fuel Tax Act

GENERAL

INTERPRETATION

1. In this Regulation,

- (a) "broker-driver" means a person who has entered into an agreement in writing pursuant to which he has undertaken to drive a motor vehicle on behalf of the operator of such motor vehicle who is a registrant and to be responsible for the purchase of the fuel he uses to generate power in such motor vehicle;
- (b) "motor vessel" means any vessel, ship, boat or watercraft that is designed to move in or through water, and that is powered by fuel, but does not include any aircraft capable of operating on water nor any vehicle moving on ice;
- (c) "working boat" means a motor vessel,
 - (i) that is registered under the *Canada Shipping Act* and classified under that Act as a work boat, or
 - (ii) that, not being registered under the *Canada Shipping Act*, is designated in writing as a working boat by an officer of the Ministry of Revenue authorized by the Minister to make such designations, and
 - (iii) that is normally operated in lakes or rivers in the carriage for hire of passengers, in the moving of freight as cargo or by towing or pushing any container containing such freight, in towing or pushing any motor vessel, in dredging in lakes or rivers, or in servicing waterfront facilities, navigational aids or other motor vessels. O. Reg. 372/73, s. 1; O. Reg. 195/80, s. 1.

REGISTRANTS AND REGISTRATION CERTIFICATES

2.—(1) The following persons are, subject to the Act and this Regulation, required to be registrants,

- (a) refiners of fuel;
- (b) wholesalers of fuel who are,
 - (i) bulk plant operators,

(ii) tank wagon operators, or

(iii) fuel brokers;

(c) retailers of fuel;

(d) subject to clause (3) (b), the operator of a motor vehicle or, in the case of a fleet of motor vehicles, the operator of the fleet of motor vehicles, for which a permit under subsection 7 (3) of the *Highway Traffic Act* is required, or would be required but for a reciprocal agreement between Ontario and another jurisdiction, and who operates,

(i) only within Ontario,

(ii) into and out of Ontario, or

(iii) into Ontario on an occasional or irregular basis only; and

(e) operators of railway equipment propelled on rails where such equipment is operated in connection with and as part of a public transportation system. O. Reg. 721/77, s. 1, *part*; O. Reg. 421/79, s. 1 (1).

(2) Operators of equipment powered by a diesel engine, other than motor vehicles referred to in clause (1) (d), are persons not required to be registrants, but may apply to be registrants if the amount of fuel subject to tax is used in a manner for which a refund may be made under the Act or this Regulation and generally exceeds 350 litres per month. O. Reg. 49/79, s. 1.

(3) The following persons shall not be registrants except where required by subsection (1) or permitted by subsection (2),

- (a) purchasers of fuel for purposes other than use in an internal combustion engine, except where the fuel is used to operate a motor vehicle referred to in clause (1) (d) or railway equipment referred to in clause (1) (e);
- (b) purchasers of fuel for the operation of a passenger car, a taxi, a vehicle equipped mainly for the transportation of not more than ten persons including the driver, or a vehicle operated exclusively for pleasure or recreation, unless any such vehicle is used mainly to carry goods or materials for compensation;

- (c) carriers using fuel purchased outside Ontario and brought into Ontario in the fuel tank of a motor vehicle passing through Ontario under the authority of a Class L permit only, issued under the *Public Commercial Vehicles Act* and the regulations made thereunder. O. Reg. 721/77, s. 1, *part*; O. Reg. 421/79, s. 1 (2).

(4) A registrant shall collect the tax imposed by the Act from any person to whom he supplies fuel other than a person,

- (a) who is a registrant whose registration certificate requires or permits him to account directly to the Minister for the tax imposed on the fuel supplied to him;
- (b) who is exempt under section 7; or
- (c) who the registrant on reasonable grounds believes will use the fuel for a purpose other than to operate a diesel engine. O. Reg. 721/77, s. 1, *part*.

3.—(1) A registrant may be of one or more of the following classes:

1. Class I—Persons who sell taxable fuels at wholesale and retail.
2. Class II—Persons who sell taxable fuels at retail only and account for the tax thereon directly to the Minister.
3. Class III—Persons who sell taxable fuels at retail only and account for the tax thereon to his supplier.
4. Class IV—Persons who sell at retail untaxed fuels for non-taxable purposes.
5. Class V—Persons who,
 - (a) purchase tax paid fuel in Ontario for taxable use as an extra-provincial carrier and account for the use of the fuel directly to the Minister; or
 - (b) purchase fuel for taxable use as an extra-provincial carrier and account for the tax thereon directly to the Minister.
6. Class VI—Persons who purchase fuel for use in motor vehicles (other than those included in Class V) operated within Ontario for which a permit under subsection 7 (3) of the *Highway Traffic Act* is required or in force and whose registration certificate may specify that the registrant shall account directly to the Minister for

the tax on the fuel purchased or for the use of the fuel.

7. Class VII—Persons referred to in subsection 2 (2) who purchase taxable fuels and account for the tax directly to the Minister.

8. Class VIII—Persons who receive or use fuel in Ontario to propel railway equipment on rails where such equipment is operated in connection with and as part of a public transportation system.

O. Reg. 721/77, s. 1, *part*; O. Reg. 421/79, s. 2 (1).

(2) The Minister may issue registration certificates to registrants that shall indicate the class of registrant to which the person belongs.

(3) A registration certificate for a Class V registrant may be issued either as a regular certificate or as a single trip certificate, whichever is appropriate, in the opinion of the Minister.

(4) A registrant shall not carry out transactions that are not permitted by his registration certificate but that are permitted by a registration certificate for a registrant of another class unless he is also a registrant of that other class. O. Reg. 721/77, s. 1, *part*.

4. Every registrant and every person required by the Act or this Regulation to be a registrant shall maintain a record of,

- (a) the quantities of fuel he has refined, imported, purchased or otherwise received from his suppliers, as the case may be;
- (b) his sales, deliveries, exports and consumption of fuel, including sales and delivery of fuel to other registrants and to purchasers;
- (c) his inventory of bulk fuel;
- (d) his dipstick and meter readings of fuel;
- (e) his distance travelled within and outside of Ontario, if operating a motor vehicle; and
- (f) the quantity of fuel delivered, loaded or otherwise moved, where the fuel has been used in the operation of auxiliary equipment of a motor vehicle and with respect to which a refund is claimed or claimable under the Act,

and shall retain all such records and all invoices, books of account and documents relating thereto until permission in writing to destroy such records, invoices, books and documents is received from the Director of the Motor Fuels and Tobacco Tax Branch of the Ministry of Revenue or such person as is authorized thereunto by the Director. O. Reg. 721/77, s. 1, *part*; O. Reg. 334/80, s. 1.

5.—(1) On or before the 25th day of each month, every registrant shall make a return to the Minister in the form provided by the Ministry of Revenue and shall remit to the Treasurer therewith the tax collectable and payable by the registrant during the immediately preceding calendar month.

(2) Every return shall be verified by the certificate of the registrant, and, if the registrant is not an individual, of its president or its resident manager or representative in Ontario, certifying that the financial and other statements of information included therein or attached thereto are in agreement with the books of the registrant and exhibit truly, correctly and completely all information for the period covered by the return.

(3) Notwithstanding subsection (1), the Minister may at any time require a registrant to make a return covering such period and including such information as the Minister may determine and the registrant shall remit to the Treasurer therewith the tax collectable and payable by the registrant during such period.

(4) Notwithstanding subsection (1), the Minister may, upon application in writing, authorize a registrant who closes his books at the end of periods that do not coincide with calendar months and that are not longer in duration than five weeks to file the returns required by subsection (1) with respect to such periods.

(5) Where the Minister has authorized a registrant to file returns for periods shorter or longer in duration than calendar months under subsection (4), the registrant shall, on or before the 1st day of March in each subsequent year, provide the Minister with a schedule of the precise dates upon which the registrant will end each such period during the calendar year or part thereof as the case may be, commencing on the 1st day of April following.

(6) Notwithstanding subsection (1), a registrant whose certificate indicates Class III only may be required to file his returns on or before the 5th day of each month. O. Reg. 49/79, s. 2, *part*.

(7) Notwithstanding subsection (1), a registrant whose certificate indicates Class IV only shall not file a return unless required to do so by the Minister in writing and if so required, his return shall cover the period specified in such written notification.

(8) Notwithstanding subsection (1), a registrant whose certificate indicates Class VI only and who pays tax to the supplier of all fuel purchased by him shall not file a return unless required to do so by the Minister in writing and if so required, his return shall cover the period specified in such written notification. O. Reg. 117/80, s. 1.

(9) Notwithstanding subsection (1), the Minister may authorize or require any registrant other than one in Class III only or Class IV only whose total

tax collectable or payable in any six consecutive months is less than \$1,000 to file his returns under the Act for periods longer than one month but not exceeding six months in duration.

(10) Notwithstanding subsection (9), where a registrant operates his business on a seasonal basis so that he makes no sales or has no consumption of fuel during a particular period of any year, he may, upon application in writing to the Minister, be authorized not to file returns for the months during which he does not operate his business.

(11) Notwithstanding subsections (1), (9) and (10), where a registrant operates his business on a seasonal basis and has been authorized by the Minister under subsection (10) not to file returns for the months during which he does not operate his business the Minister may authorize any such registrant whose tax collectable or payable in any six consecutive months is less than \$1,000 to file his returns under the Act for periods longer than one month but not exceeding six months in duration.

(12) In any case where the Minister has authorized or required a registrant to file returns for extended periods under subsection (9) or (11), or for periods longer or shorter than a calendar month under subsection (4), the registrant shall make the return required by subsection (1) or (4), as the case may be, on the form provided within twenty-five days of the close of each such period, and shall remit to the Treasurer therewith the tax collectable and payable by him during such period.

(13) Where the Minister has authorized a registrant to file returns for an extended period under subsection (9) or (11) and the registrant fails to file a return within the time prescribed by subsection (12), the Minister may revoke the authorization granted, in which case the registrant will thereafter be required to file returns in accordance with subsection (1) or (4), as the case may be. O. Reg. 49/79, s. 2, *part*.

EXCLUDED PRODUCTS

6. Except when any of the following products is blended, compounded or combined with any fuel taxable under the Act, the following products are excluded from the application of the Act,

- (a) bunker fuel;
- (b) any product that is a solvent, naphtha or thinner and that is obtained from a petroleum origin or from the destructive distillation of coal, wood or wood products or that is produced by fermentation or by synthetic chemical reaction; and
- (c) any product that is compounded wholly of products excluded under clause (b).
O. Reg. 372/73, s. 2.

EXEMPTIONS

7. The following persons, when purchasing fuel exclusively for their own use, are exempt from the tax imposed by the Act,

- (a) those persons serving in or employed by a diplomatic or consular mission, high commission or trade commission, their spouses and families as authorized by the Department of External Affairs Canada provided that such persons are not Canadian citizens or "permanent residents" of Canada as defined in the *Immigration Act, 1976* (Canada) and provided that such persons are assigned to duty from the state they represent and are not engaged locally by the mission or commission;
- (b) Indians who purchase fuel on a reserve, or who purchase fuel not on a reserve when the registrant from whom the fuel is purchased delivers the fuel on to the reserve, and "reserve" for the purposes of this clause means a reserve, as defined under the *Indian Act* (Canada), or an Indian Settlement located on Crown land, the Indian inhabitants of which are treated by the Department of Indian Affairs and Northern Development (Canada) in the same manner as Indians residing on a reserve as defined under the *Indian Act* (Canada). O. Reg. 372/73, s. 3; O. Reg. 883/76, s. 1; O. Reg. 49/79, s. 3; O. Reg. 661/80, s. 1.

8. All fuel used in the following enumerated ways is exempt from the tax imposed by the Act,

- (a) fuel intended by the refiner thereof to be used by the purchaser for any purpose other than generating power by internal combustion if such fuel is so used; and
- (b) fuel delivered directly into the tanks of a motor vessel other than,
 - (i) a working boat,
 - (ii) a pleasure boat,
 - (iii) any Canadian vessel not registered under the *Canada Shipping Act*, or
 - (iv) any vessel of foreign ownership or registry that would be required to pay tax on fuel purchased in Ontario if that vessel were subject to the requirements of the *Canada Shipping Act*;
- (c) ethyl alcohol, methyl alcohol, natural gas, manufactured gas or any product commonly known as liquefied petroleum gas used for the purpose of generating power by internal combustion;

- (d) fuel intended for use exclusively in the service vehicles, aircraft or vessels of a visiting force as defined in the *Visiting Forces Act* (Canada) when such fuel is exempt from taxation under section 26 of that Act and regulations made thereunder;

- (e) fuel purchased outside Ontario and brought into Ontario in the fuel tank of a motor vehicle passing through Ontario under the authority of a Class L permit issued under the *Public Commercial Vehicles Act* and regulations made thereunder. O. Reg. 372/73, s. 4; O. Reg. 215/76, s. 1; O. Reg. 421/79, s. 3; O. Reg. 695/80, s. 1.

9.—(1) Subject to subsection (3), where it has been established to the satisfaction of the Minister that tax has been wrongly paid under the Act,

- (a) by any person in respect of any product that is excluded by this Regulation from the application of the Act;
- (b) by any person exempt under this Regulation from the payment of the tax imposed by the Act;
- (c) on the use of fuel for any purpose other than generating power by internal combustion; or
- (d) on fuel the use of which is by this Regulation or any regulation made under the Act exempted from the tax imposed by the Act,

such tax may, upon application by the person who paid the tax, be refunded to the applicant.

(2) Subject to subsection (3), the Minister may, upon application from a purchaser, refund the tax paid after the 7th day of April, 1975 on fuel purchased after that date where the fuel has been used to operate auxiliary equipment of a motor vehicle, the power from which auxiliary equipment is not used or designed for the propulsion of a motor vehicle on the highway, and where the motor vehicle to which such equipment is auxiliary is not principally used by its owner or operator for the transportation of passengers, whether or not for hire, or for the pleasure or recreation of the owner or operator, but no refund of tax may be made under this subsection with respect to fuel used to operate a motor vehicle for which a permit issued under subsection 7 (3) of the *Highway Traffic Act* is required or in force, or with respect to fuel used in the operation of any motor vehicle used or intended to be used principally for the recreation or pleasure of its owner or operator.

(3) A refund under this section may be made only where the application therefor is received by the Minister within two years of the date when the tax, a refund of which is claimed, was paid.

(4) Every purchaser who applies for a refund of tax under this section or under section 24 of the Act shall maintain in form satisfactory to the Minister records that show,

- (a) all of such purchaser's acquisitions, inventories and uses of fuel; and
- (b) a differentiation among uses of fuel sufficient to establish to the satisfaction of the Minister the entitlement of the applicant to the refund sought. O. Reg. 215/76, s. 2, *part*.

(5) Every invoice submitted in support of an application for a refund under this section or under section 24 of the Act shall show clearly,

- (a) the quantity of fuel to which the invoice relates;
- (b) the amount of tax paid;
- (c) the date of payment of the tax;
- (d) the number of the registration certificate of the registrant from whom the fuel for the tax on which a refund is sought was obtained;
- (e) the name and address of the vendor; and
- (f) the name and address of the purchaser,

and no refund shall be paid in respect of any invoice or invoices on or in connection with which the applicant has misrepresented a material fact. O. Reg. 215/76, s. 2, *part*; O. Reg. 721/77, s. 2.

(6) Where an application for a refund under this section or under section 24 of the Act is supported in whole or in part by an invoice or invoices on or in connection with which the applicant has misrepresented a material fact, the amount of the refund that may be made by the Minister in respect of the application shall be reduced by the greater of \$5 or 200 per cent of the amount of the refund claimed through the use of the invoice or invoices on or in connection with which the misrepresentation is made. O. Reg. 215/76, s. 2, *part*.

(7) The use of fuel to propel railway equipment on rails where such equipment is operated in connection with and as part of a public transportation system is prescribed to be excluded from the application of section 18 of the Act. O. Reg. 421/79, s. 4.

(8) Subject to subsection (3), where it has been established to the satisfaction of the Minister that tax has been over-paid under the Act by a broker-driver in respect of fuel purchased by him to generate power in a motor vehicle of a registrant who is the operator of such motor vehicle, the Minister may, subject to subsection (9) and upon application by the broker-driver,

refund directly to him the tax that, had such application for refund not been received, would have been refunded to the registrant operator of such motor vehicle.

(9) A refund referred to in subsection (8) shall be made only where the Minister has received sufficient information from both the registrant operator and the broker-driver described in that subsection to enable him to determine the correct amount of the refund to be made and no refund shall be made under that subsection in respect of moneys that, prior to receipt of the broker-driver's refund application, have been paid to the registrant operator. O. Reg. 195/80, s. 2.

10.—(1) In this section, "debtor" means a person to whom a registrant has sold fuel.

(2) Subject to subsection (3), the Minister may, on application by a registrant, refund amounts remitted by the registrant to the Treasurer on account of tax collectable under the Act in the proportion that the sale price, including tax, of the fuel in respect of which the amounts were remitted has become uncollectable by the registrant where,

- (a) the tax collectable is in respect of the registrant's sales made in bulk; and
- (b) the sale was made by the registrant after the 30th day of April, 1972.

(3) No refund shall be made under this section where,

- (a) the tax collectable is in respect of fuel delivered by the registrant directly into the fuel tank of a motor vehicle; or
- (b) the registrant has assumed responsibility for the collection of the debt arising from the sale of fuel by a person other than the registrant.

(4) For the purpose of subsection (2), an amount shall be deemed to be uncollectable where,

- (a) the registrant has been unable to recover the amount payable to him;
- (b) the registrant has demanded in writing payment of the amount payable within one month of the sale and thereafter at regular intervals of not more than one month for a period of six months; and
- (c) the registrant has taken all steps to effect collection that, in the opinion of the Minister, are reasonable.

(5) Where a debtor has become a bankrupt, the registrant shall notify the Minister of the bankruptcy within ten days of the registrant's receipt of the notice of first meeting of creditors, and where the Minister is not so notified, he may refuse to make any refund under this section unless he

is satisfied that the Treasurer has suffered no financial loss from the Minister's being unable, through the registrant's failure to give notice of the bankruptcy within the said ten days, to file a proof of claim in the bankruptcy, in which case the Minister may refund to the registrant the whole or such lesser amount of the refund claimed as the Minister determines to be reasonable in the circumstances.

(6) An application required under subsection (2) shall be in a form approved by the Minister and shall be accompanied by such information as the Minister may require.

(7) Where a refund has been made under this section, the tax in respect of which that amount has been remitted to the Treasurer shall remain payable to the Treasurer, and such tax shall be paid to the Treasurer out of any subsequent recovery made by the registrant in accordance with the allocation described in subsection (8).

(8) For the purposes of this section, where a registrant receives payment from or on behalf of a debtor, the registrant shall allocate such receipts, both before and after any refund under this section has been made by the Minister, to outstanding amounts payable by the debtor in the order of date of sale, and proportionately between the tax collectable and the other outstanding amounts payable by the debtor in respect of his purchases from the registrant. O. Reg. 215/76, s. 2, *part*.

11.—(1) The Deputy Minister of Revenue may exercise the powers or perform the duties conferred or imposed upon the Minister under the following provisions of the Act:

1. Subsections 2 (5) and (6).
2. Subsections 11 (6), (7) and (8).
3. Subsection 12 (1).
4. Section 14.
5. Section 18.
6. Clauses 20 (1) (a) and (b) and subsection 20 (2).
7. Subsections 21 (1), (3) and (4).
8. Section 23. O. Reg. 721/77, s. 3, *part*; O. Reg. 421/79, s. 5 (1).

(2) The officer in the Ministry of Revenue holding the position of Assistant Deputy Minister, Tax Revenue may exercise the powers or perform the duties conferred or imposed upon the Minister under the following provisions of the Act:

1. Subsections 2 (5) and (6).

2. Subsections 3 (4) and (9).
3. Subsection 5 (1).
4. Section 7.
5. Subsection 8 (3).
6. Subsection 9 (1).
7. Subsection 10 (3).
8. Subsections 11 (1), (3) and (6).
9. Subsections 12 (1) and (12).
10. Section 14.
11. Clauses 20 (1) (a), (b) and (c) and subsection 20 (2).
12. Subsections 21 (1), (3), (4) and (5).
13. Section 22.
14. Section 23.
15. Clauses 26 (2) (a) and (b). O. Reg. 478/80, s. 1.

(3) The officer in the Ministry of Revenue holding the position of the Director of the Motor Fuels and Tobacco Tax Branch may exercise the powers or perform the duties conferred or imposed upon the Minister under the following provisions of the Act:

1. Subsections 2 (5) and (6).
2. Subsections 3 (4) and (9).
3. Subsection 5 (1).
4. Subsection 6 (2).
5. Section 7.
6. Subsection 8 (3).
7. Subsection 9 (1).
8. Subsection 10 (3).
9. Subsections 11 (1), (2) and (3).
10. Section 14.
11. Subsection 20 (2), to enter upon the premises of a registrant or purchaser or any other place in Ontario where any of the books or records of a registrant or purchaser are kept, to make such investigations and examinations as are considered necessary, and to require by notice in writing that any person who may be indebted to a registrant or to a purchaser shall pay the debt to the Treasurer.

12. Clauses 21 (1) (a), (b) and (c) and subsections 21 (4) and (5).
13. Section 22.
14. Section 23.
15. Subsections 25 (2), (3) and (8).
16. Clauses 19 (2) (a) and (b). O. Reg. 721/77, s. 3, *part*; O. Reg. 421/79, s. 5 (3); O. Reg. 334/80, s. 2 (1); O. Reg. 1093/80, s. 1 (1).

(4) The officer in the Motor Fuels and Tobacco Tax Branch of the Ministry of Revenue holding the position of Manager of Operations may exercise the powers or perform the duties conferred or imposed upon the Minister under the following provisions of the Act:

1. Subsection 3 (4).
2. Subsection 6 (2).
3. Subsection 8 (3).
4. Subsection 9 (1).
5. Subsection 10 (3).
6. Subsections 11 (1), (2) and (3).
7. Subsection 20 (2), to enter upon the premises of a registrant or purchaser or any other place in Ontario where any of the books or records of a registrant or purchaser are kept, to make such investigations and examinations as are considered necessary and to require by notice in writing that any person who may be indebted to a registrant or to a purchaser shall pay the debt to the Treasurer.
8. Clauses 21 (1) (a), (b) and (c) and subsection 21 (2).
9. Subsections 25 (2), (3) and (8). O. Reg. 721/77, s. 3, *part*; O. Reg. 421/79, s. 5 (4); O. Reg. 334/80, s. 2 (2).

(5) The officer in the Motor Fuels and Tobacco Tax Branch of the Ministry of Revenue holding the position of Manager, Tax Advisory Services may exercise the power or perform the duty conferred or imposed upon the Minister under the following provisions of the Act:

1. Subsection 3 (4).
2. Section 7.
3. Section 14.
4. Subsections 25 (2), (3) and (8). O. Reg. 421/79, s. 5 (5); O. Reg. 334/80, s. 2 (3).

(6) The officer in the Motor Fuels and Tobacco Tax Branch of the Ministry of Revenue holding the position

of Manager of Audit may exercise the power or perform the duty conferred or imposed upon the Minister under the following sections of the Act:

1. Subsection 11 (2).
2. Subsection 6 (2).
3. Subsection 20 (2), to enter upon the premises of a registrant or purchaser or any other place in Ontario where any of the books or records of a registrant or purchaser are kept, to make such investigations and examinations as are considered necessary, and to require by notice in writing that any person who may be indebted to a registrant or to a purchaser shall pay the debt to the Treasurer.
4. Clauses 21 (1) (a), (b) and (c) and subsection 21 (2). O. Reg. 721/77, s. 3, *part*; O. Reg. 421/79, s. 5 (6); O. Reg. 334/80, s. 2 (4).

(7) The officer in the Ministry of Revenue holding the position of the Director of the Legal Services Branch may exercise the power or perform the duty conferred or imposed upon the Minister under the following provisions of the Act:

1. Subsection 11 (2).
2. Subsection 12 (2).
3. Clause 20 (1) (b).
4. Subsection 20 (2), to require by notice in writing that any person who may be indebted to a registrant or to a purchaser shall pay the debt to the Treasurer.
5. Subsection 21 (2).
6. Clauses 26 (2) (a) and (b). O. Reg. 721/77, s. 3, *part*; O. Reg. 421/79, s. 5 (7); O. Reg. 1093/80, s. 1 (2).

(8) The officer in the Ministry of Revenue holding the position of the Director of the Special Investigations Branch may exercise the powers or perform the duties conferred or imposed upon the Minister under the following provisions of the Act:

1. Subsection 3 (9).
2. Subsection 5 (1).
3. Subsection 6 (2).
4. Subsection 20 (2), to enter upon the premises of a registrant or purchaser or any other place in Ontario where any of the books or records of a registrant or purchaser are kept, to make such investigations and examinations as are considered necessary and to seize any books and records upon the premises of a registrant or purchaser.

5. Subsections 21 (1), (3) and (5). O. Reg. 721/77, s. 3, *part*; O. Reg. 421/79, s. 5 (8).

(9) The officers in the Ministry of Revenue authorized to perform investigations under subsection 21 (1) of the Act are authorized to request the information required to be given under subsection 6 (2) of the Act and subsection 22 (1) of the Act. O. Reg. 721/77, s. 3, *part*.

(10) The officer in the Ministry of Revenue holding the position of Director, Tax Appeals Branch, may exercise the power or perform the duty conferred or imposed upon the Minister under subsection 12 (12) of the Act. O. Reg. 1093/80, s. 1 (3).

12.—(1) On the amount of any refund made under subsection 9 (1), interest at the following rate shall be paid, calculated from the date of payment to the Treasurer of the amount to be refunded to the date when the refund is made or is applied by the Minister or the Treasurer, as the case may be, against other liability of the person entitled to the refund,

- (a) 6 per cent per annum in respect of that portion of such period of calculation that is before August 1, 1980; and
- (b) 12 per cent per annum in respect of that portion of such period of calculation that is after July 31, 1980.

(2) On the amount of any refund made under subsection 24 (3) of the Act as a result of any overpayment of tax to the Treasurer under this Act, interest at the following rate shall be paid, calculated from the

date of payment to the Treasurer of the amount to be refunded to the date when the refund is made or is applied by the Minister or the Treasurer, as the case may be, against other liability of the person entitled to the refund,

- (a) 9 per cent per annum in respect of that portion of such period of calculation that is before August 1, 1980; and
- (b) 12 per cent per annum in respect of that portion of such period of calculation that is after July 31, 1980.

(3) The rate of interest prescribed for the purpose of subsection 10 (2) of the Act and for the purpose of subsections 11 (7) and (9) of the Act is 12 per cent per annum. O. Reg. 597/80, s. 1, *part*.

(4) For the purposes of subsection 10 (3) of the Act, the rate of interest prescribed is,

- (a) 9 per cent per annum in respect of that portion of the period of calculation described therein that is on or before the 31st day of July, 1980; and
- (b) 12 per cent per annum in respect of that portion of such period that is on or after the 1st day of August, 1980.

(5) Notwithstanding subsections (1), (2) and (4), where the amount of interest calculated under subsection 9 (1) of this Regulation or subsection 10 (3) or subsection 24 (3) of the Act is less than \$5, no interest need be paid or applied. O. Reg. 853/80, s. 1.

REGULATION 668

under the Motorized Snow Vehicles Act

DESIGNATIONS

1. Where a highway is referred to in this Regulation by a number or name, the reference is to that part of the King's Highway that is known thereby. O. Reg. 64/77, s. 1.

2. The following parts of the King's Highway are designated as parts of the King's Highway upon which motorized snow vehicles may not be driven:

1. All of the King's Highway known as No. 401, 402, 403, 404, 405, 406, 409, 410, 420 and 427.
2. All of the King's Highway known as the Queen Elizabeth Way.
3. That part of the King's Highway known as No. 400 from Jane Street in The Municipality of Metropolitan Toronto to 2.6 kilometres north of the Duckworth Street interchange in the City of Barrie.
4. All of the King's Highway known as No. 417 including that portion known as the Ottawa Queensway.
5. All of the King's Highway known as No. 2A in the Borough of Scarborough.
6. All of the King's Highway known as the Kitchener-Waterloo Expressway being,
 - i. that part of the King's Highway known as No. 7 lying between its intersection with Victoria Street in the City of Kitchener and a point situate 1.6 kilometres west of its intersection with Fisher Drive in the City of Kitchener;
 - ii. that part of the King's Highway known as No. 8 lying between its intersection with Freeport Drive in the City of Kitchener and its eastern junction with the King's Highway known as No. 7; and
 - iii. that part of the King's Highway known as No. 85 lying between a point situate at its intersection with the King's Highway known as No. 7 in the City of Kitchener and a point situate 800 metres measured

northerly from its intersection with the centre line of the roadway known as Waterloo Road 17. O. Reg. 64/77, s. 2; O. Reg. 670/78, s. 1; O. Reg. 23/79, s. 1.

3. The following parts of the King's Highway are designated as parts of the King's Highway across the serviced roadway on which no motorized snow vehicle may be driven:

1. That part of the King's Highway known as No. 6 lying between its junction with the King's Highway known as No. 403 and its junction with the King's Highway known as No. 5.
2. That part of the King's Highway known as No. 7 lying between its southwest junction with the King's Highway known as No. 7B in the Town of Vaughan and its intersection with Rutherford Road in the City of Brampton.
3. That part of the King's Highway known as No. 7 lying between its junction with Waterloo Road Number 17 and a point situate 1.2 kilometres east of its junction with the King's Highway known as No. 85.
4. That part of the King's Highway known as No. 10 lying between its intersection with Burnhamthorpe Road in the City of Mississauga and its intersection with Steeles Avenue in the City of Brampton.
5. That part of the King's Highway known as No. 11 lying between its intersection with Steeles Avenue in The Municipality of Metropolitan Toronto and its intersection with Major Mackenzie Drive in the Town of Richmond Hill.
6. That part of the King's Highway known as No. 20 lying between its overpass over the Canadian National Railways subway in the City of Hamilton and its west junction with the King's Highway known as the Queen Elizabeth Way.
7. That part of the King's Highway known as No. 27 lying between its intersection with Eglinton Avenue and its intersection with Albion Road, both in The Municipality of Metropolitan Toronto.

8. That part of the King's Highway known as No. 33 lying between the western limits of the City of Kingston and its intersection with Frontenac County Road No. 2.
9. That part of the King's Highway known as No. 126 lying between its junction with the King's Highway known as No. 401 and its intersection with Hall Street in the City of London. O. Reg. 64/77, s. 3; O. Reg. 23/79, s. 2.
4. The following parts of the King's Highway are designated as parts of the King's Highway upon which motorized snow vehicles may be driven:
 1. All of the King's Highway known as and numbered 500 to 899.
 2. That part of the King's Highway known as No. 118 in the Township of Muskoka Lakes in the District Municipality of Muskoka lying between its intersection with the roadway known as Muskoka District Road 27 (also known as Ferndale Road) and its intersection with the roadway known as Bailey Street.
 3. That part of the King's Highway known as No. 169 in the Township of Muskoka Lakes in the District Municipality of Muskoka lying between its intersection with the King's Highway known as No. 660 and its intersection with the roadway known as River Street. O. Reg. 609/79, s. 1.

REGULATION 669

under the Motorized Snow Vehicles Act

GENERAL

1. In this Regulation,

(a) "roadway" means roadway as defined in the *Highway Traffic Act*;

(b) "vehicle" means a vehicle as defined in the *Highway Traffic Act*. R.R.O. 1970, Reg. 614, s. 1.

2. Where a constable or other police officer considers it reasonably necessary,

(a) to ensure orderly movement of traffic;

(b) to prevent injury or damage to persons or property; or

(c) to permit proper action in an emergency,

notwithstanding the provisions of this Regulation, every driver of a motorized snow vehicle shall obey the directions of the constable or other police officer. R.R.O. 1970, Reg. 614, s. 2.

3. A driver of a motorized snow vehicle approaching an intersection shall yield the right of way to a vehicle or motorized snow vehicle that has entered the intersection from a different highway and when a motorized snow vehicle and vehicle or motorized snow vehicle enter an intersection from different highways at approximately the same time, the driver on the left shall yield the right of way to the vehicle or motorized snow vehicle on the right. R.R.O. 1970, Reg. 614, s. 3.

4. Every driver of a motorized snow vehicle shall obey the instructions or directions indicated on any official sign as defined in the *Highway Traffic Act*. R.R.O. 1970, Reg. 614, s. 4.

5.—(1) Except as provided in sections 3 and 9, the driver of a motorized snow vehicle about to enter or cross a roadway from property adjoining the roadway shall,

(a) bring the motorized snow vehicle to a complete stop; and

(b) upon entering the roadway yield the right of way to all oncoming traffic that constitutes a hazard.

(2) The driver referred to in subsection (1) shall enter or cross at an angle of approximately 90 degrees to the direction of the roadway. R.R.O. 1970, Reg. 614, s. 5.

6.—(1) The driver of a motorized snow vehicle intending to turn to the right into an intersecting highway shall approach such intersection and turn as closely as practicable to the right curb or edge of the roadway.

(2) The driver of a motorized snow vehicle within an intersection intending to turn to the left across the path of any vehicle or motorized snow vehicle approaching from the opposite direction shall not make such left turn until he has afforded a reasonable opportunity to the driver of such other vehicle or motorized snow vehicle to avoid a collision.

(3) The driver of a motorized snow vehicle intending to turn to the left into an intersecting highway at an intersection where traffic is permitted to move in both directions on each highway entering the intersection shall approach such intersection as closely as practicable to the centre line of the highway and the left turn shall be made by passing to the right of such centre line where it enters the intersection, and upon leaving the intersection by passing to the right of the centre line of the highway then entered.

(4) The driver of a motorized snow vehicle intending to turn to the left from a highway designated for use of one-way traffic into an intersecting highway on which traffic is permitted to move in both directions shall approach the intersection as closely as practicable to the left curb or edge of the roadway and on entering the intersection shall pass to the right of and as closely as practicable to the centre line of the highway being entered where it enters the intersection.

(5) The driver of a motorized snow vehicle intending to turn to the left from a highway on which traffic is permitted to move in both directions into an intersecting highway designated for the use of one-way traffic shall approach the intersection as closely as practicable to the centre line of the highway and on entering the intersection the left turn shall be made by passing as closely as practicable to the left hand curb or edge of the roadway designated for the use of one-way traffic.

(6) The driver of a motorized snow vehicle intending to turn to the left from a highway designated for use of one-way traffic into an intersecting highway designated for use of one-way traffic shall approach the intersection as closely as practicable to the left-hand curb or edge of the roadway and on entering the intersection the left turn shall be made by passing as closely as practicable to the left-hand curb or edge of the roadway being entered. R.R.O. 1970, Reg. 614, s. 6.

7.—(1) The driver of a motorized snow vehicle upon a highway before turning to the left or right at any intersection or into a private road or driveway or from one lane for traffic to another lane for traffic or to leave the roadway shall first see that such movement can be made in safety, and if the operation of any other vehicle or motorized snow vehicle may be affected by such movement shall give a signal plainly visible to the driver of such other vehicle or motorized snow vehicle of the intention to make such movement.

(2) The driver of a motorized snow vehicle parked or stopped on the highway before setting the motorized snow vehicle in motion shall first see that the movement can be made in safety, and, if in turning the motorized snow vehicle the operation of any other vehicle or motorized snow vehicle may be affected by such movement, shall give a signal plainly visible to the driver of such other vehicle or motorized snow vehicle of the intention to make such movement.

(3) The signal referred to in subsections (1) and (2) shall be given by means of the hand and arm and the driver shall indicate his intention to turn,

- (a) to the left, by extending the hand and arm horizontally and beyond the left side of the vehicle, or
- (b) to the right, by extending the hand and arm upward and beyond the left side of the vehicle. R.R.O. 1970, Reg. 614, s. 7 (1-3).

(4) The driver of a motorized snow vehicle upon a highway before stopping or suddenly decreasing the speed of the motorized snow vehicle, if the operation of any other vehicle or motorized snow vehicle may be affected by such stopping or decreasing of speed, shall give a signal,

- (a) plainly visible to the driver of such other vehicle or motorized snow vehicle of the intention to stop or decrease speed; and
- (b) by means of the right hand and arm extended straight upward. R.R.O. 1970, Reg. 614, s. 7 (4); O. Reg. 1091/80, s. 1.

8. No driver of a motorized snow vehicle upon a highway shall turn the motorized snow vehicle so as to proceed in the opposite direction when,

- (a) upon a curve where traffic approaching the motorized snow vehicle from either direction cannot be seen by the driver of the motorized snow vehicle within a distance of 150 metres;
- (b) on a railway crossing or within 30 metres of a railway crossing;
- (c) upon an approach to or near the crest of a grade where the motorized snow vehicle cannot be seen by the driver of another

vehicle or motorized snow vehicle approaching from either direction within 150 metres; or

- (d) within 150 metres of a bridge, viaduct or tunnel where the driver's view is obstructed within such distance. R.R.O. 1970, Reg. 614, s. 8; O. Reg. 22/79, s. 1.

9. Every driver of a motorized snow vehicle shall obey the signal of a traffic signal light control system as defined in subsection 124 (19) of the *Highway Traffic Act*. R.R.O. 1970, Reg. 614, s. 9.

10.—(1) Where a driver of a motorized snow vehicle on a highway meets another vehicle or motorized snow vehicle, he shall turn out to the right from the centre of the roadway, allowing to the vehicle or motorized snow vehicle so met one-half of the roadway free.

(2) No driver of a motorized snow vehicle shall pass or attempt to pass another vehicle or motorized snow vehicle going in the same direction on a highway unless the roadway,

- (a) in front of and to the left of the vehicle or motorized snow vehicle to be passed is safely free from approaching traffic; and
- (b) to the left of the motorized snow vehicle passing or attempting to pass is safely free from overtaking traffic. R.R.O. 1970, Reg. 614, s. 10.

11. No motorized snow vehicle shall be driven to the left of the centre of a roadway designed for one or more lines of traffic in each direction, when approaching the crest of a grade or upon a curve in the roadway or within thirty metres of a bridge, viaduct or tunnel where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle or motorized snow vehicle might approach from the opposite direction, but this section does not apply to a highway designated for the use of one-way traffic or to a highway divided into clearly marked lanes where there are more such lanes for traffic in one direction than in the other direction. R.R.O. 1970, Reg. 614, s. 11; O. Reg. 22/79, s. 2.

12.—(1) Subject to subsection (2), the driver of a motorized snow vehicle may overtake and pass to the right of another vehicle or motorized snow vehicle on a highway only,

- (a) when the vehicle or motorized snow vehicle overtaken is making or about to make a left turn or its driver has signalled his intention to make a left turn;
- (b) upon a highway with unobstructed pavement of sufficient width for two or more lines of vehicles or motorized snow vehicles in each direction; or

(c) upon a highway designed for the use of one-way traffic only.

(2) The driver of a motorized snow vehicle shall not overtake and pass to the right of another vehicle or motorized snow vehicle where such movement cannot be made in safety. R.R.O. 1970, Reg. 614, s. 12.

13. The driver of a motorized snow vehicle shall not follow another vehicle or motorized snow vehicle more closely than is reasonable and prudent having due regard for the speed of such vehicle or motorized snow vehicle and the traffic on and the conditions of the highway. R.R.O. 1970, Reg. 614, s. 13.

14.—(1) When the driver of a motorized snow vehicle is approaching a railway, he shall stop the motorized snow vehicle and shall not proceed to cross until he can do so safely.

(2) The driver referred to in subsection (1) shall enter or cross at an angle of approximately 90 degrees to the direction of the railway. R.R.O. 1970, Reg. 614, s. 14.

15.—(1) No person shall park, stand or stop a motorized snow vehicle on a roadway,

(a) when it is practicable to park, stand or stop the motorized snow vehicle off the roadway; or

(b) when it is not practicable to park, stand or stop the motorized snow vehicle off the roadway unless a clear view of the motorized snow vehicle and of the roadway for at least 125 metres beyond the motorized snow vehicle may be obtained from a distance of at least 125 metres from the motorized snow vehicle in each direction upon the highway. R.R.O. 1970, Reg. 614, s. 15 (1); O. Reg. 22/79, s. 3.

(2) Subsection (1) does not apply to a roadway within a city, town or village, and the provisions of subsection (1) with respect to parking, standing or stopping do not apply to a portion of a roadway in respect of which a by-law passed by the council of a township or county or by the trustees of a police village prohibiting or regulating parking, standing or stopping on the roadway, as the case may be, is in force.

(3) Where a constable finds a motorized snow vehicle on a highway in contravention of the provisions of this section, he may move the motorized snow vehicle or require the driver or other person in charge of the motorized snow vehicle to move it.

(4) Notwithstanding the other provisions of this section, no person shall park or stand a motorized

snow vehicle on a highway in such a manner as to interfere with the movement of traffic or the clearing of snow from the highway.

(5) A constable upon discovery of any motorized snow vehicle parked or standing in contravention of subsection (4) or of a municipal by-law, may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are a lien upon the motorized snow vehicle, which may be enforced in the manner provided by section 52 of the *Mechanic's Lien Act*. R.R.O. 1970, Reg. 614, s. 15 (2-5).

16. Subject to section 4, no person shall operate a motorized snow vehicle at a speed greater than is reasonable and prudent under conditions then existing. R.R.O. 1970, Reg. 614, s. 16.

17. When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 metres or less, every motorized snow vehicle shall carry at least one head lamp on the front of the motorized snow vehicle which shall display a white or amber light only, and one on the rear of the motorized snow vehicle which shall display a red light only, and any lamp so used shall be clearly visible at a distance of at least 150 metres from the front or rear, as the case may be. R.R.O. 1970, Reg. 614, s. 21; O. Reg. 22/79, s. 4.

18.—(1) Every permit issued under this Regulation expires with the 30th day of June next following the date of issue.

(2) A permit shall be valid only upon being affixed in an appropriate space provided in the Registration Certificate for the motorized snow vehicle. O. Reg. 63/77, s. 2.

19.—(1) The following fees shall be paid to the Ministry:

1. For a motorized snow vehicle permit.....	\$10
2. For the transfer of a motorized snow vehicle permit.....	2
3. For a replacement permit and set of adhesive devices in case of loss or destruction.....	2
4. For a copy of any writing, paper or document filed in the Ministry or any statement containing information from the records.....	3
5. Notwithstanding paragraph 4, for a copy of a collision report.....	5

6. For a certified copy of any writing, paper or document filed in the Ministry or any statement containing information from the records.. \$ 4

7. Notwithstanding paragraph 6, for a certified copy of a collision report.. 6

(2) Notwithstanding subsection (1), no fee is payable for the issue, transfer or replacement of a permit for a motorized snow vehicle owned or leased by the Government of the Province of Ontario. O. Reg. 715/75, s. 2.

20. The helmet worn by a person who drives a motorized snow vehicle or rides on a motorized snow vehicle or on a cutter, toboggan, sled or similar conveyance towed by a motorized snow vehicle on a serviced roadway or public trail shall comply with the standards set forth in the regulations made under the *Highway Traffic Act*. O. Reg. 76/75, s. 2, *part*.

21. Upon the registration of a motorized snow vehicle, the Ministry or a person authorized by the Minister shall issue a Registration Certificate bearing the registration number of the motorized snow vehicle. O. Reg. 715/75, s. 3, *part*.

22.—(1) The registration number of the motorized snow vehicle attached to or painted on both sides of the cowlings shall be in the form and dimensions as prescribed and illustrated in the following figure, the rear limit of the registration number to be not less than ten centimetres nor more than fifteen centimetres from the rear of the cowlings:

12345

Height not less than five centimetres nor more than 7.6 centimetres

Stroke width not less than five millimetres nor more than thirteen millimetres. O. Reg. 22/79, s. 5.

(2) The registration number referred to in subsection (1) shall be in a color that contrasts with its background. O. Reg. 715/75, s. 3, *part*.

23. When a permit for the motorized snow vehicle is issued, adhesive devices provided by the Ministry or any person authorized by the Minister, as evidence of the issue of the permit shall be affixed on each side of the cowlings of the motorized snow vehicle, each adhesive device to be affixed to the centre of a background patch supplied by the Ministry, the patch to be affixed to the cowlings between the registration number and the rear of the cowlings, the closest edge of the patch to be not less than twenty-five millimetres nor more than fifty-one millimetres from the registration number. O. Reg. 715/75, s. 3, *part*; O. Reg. 22/79, s. 6.

24. Subsections 2 (1) and (8) of the Act do not apply within the areas designated in Schedule 1. O. Reg. 715/75, s. 3, *part*.

Schedule 1

1. Those areas in the districts of Kenora and Thunder Bay north of the railway tracks of the Canadian National Railways passing through the municipalities of Malachi, Minaki, Quibell, Sioux Lookout, Savant Lake, Armstrong and Nakina.

2. Those areas in the Territorial District of Cochrane north of 50 degrees latitude.

3. Those areas in the Territorial District of Algoma north of the railway tracks of the Canadian Pacific Railway passing through the municipalities of Amyot, Franz and Missanabie.

4. Those areas in the territorial districts of Rainy River, Kenora, Thunder Bay, Cochrane and Algoma that are not within a city, town, village or police village and not within eight kilometres of a highway designated as a King's Highway or secondary highway under the *Public Transportation and Highway Improvement Act*. O. Reg. 715/75, s. 4; O. Reg. 22/79, s. 7.

REGULATION 670

under the Motorized Snow Vehicles Act

MOTORIZED SNOW VEHICLE OPERATORS' LICENCES

1. An applicant for a motorized snow vehicle operator's licence shall produce evidence satisfactory to the Minister that the applicant has,

- (a) attended a course of instruction in the safe operation of motorized snow vehicles recognized by the Minister; and
- (b) passed a test of knowledge and competence approved by the Minister. O. Reg. 995/76, s. 1.

2. A motorized snow vehicle operator's licence shall expire upon the issuance of a driver's licence to the holder of the motorized snow vehicle operator's licence. O. Reg. 995/76, s. 2.

3. No person having a valid or suspended driver's licence shall apply for, secure or retain in his possession, a motorized snow vehicle operator's licence. O. Reg. 995/76, s. 3.

4. The following fees shall be paid:

- 1. For a motorized snow vehicle operator's licence \$2
- 2. For a duplicate of a motorized snow vehicle operator's licence in case of loss or destruction of the original 2

O. Reg. 995/76, s. 4.

REGULATION 671

under the Municipal Act

DESIGNATION OF AGRICULTURAL RESEARCH STATIONS

1. The following agricultural research stations are designated as agricultural research stations for the purposes of section 160 of the Act:

AGRICULTURAL RESEARCH STATION	LOCATION
1. Arkell Research Station	Township of Puslinch
2. Bradford Muck Research Station	Township of King
3. Cambridge Research Station	City of Cambridge
4. Elora Research Station	Township of Pilkington
5. Horticultural Research Institute of Ontario	Town of Lincoln
6. Kemptville College of Agricultural Technology	Township of Oxford on Rideau
7. New Liskeard College of Agricultural Technology	Town of New Liskeard
8. New Liskeard College of Agricultural Technology	Township of Dymond
9. Ridgetown College of Agricultural Technology	Township of Howard
10. Ridgetown College of Agricultural Technology	Town of Ridgetown
11. Simcoe Horticultural Experiment Station	City of Nanticoke
12. The University of Guelph Cruickston Park Farm	Township of North Dumfries
13. The University of Guelph Eramosa Field Station	Township of Eramosa
14. The University of Guelph Puslinch Research Station	Township of Puslinch
15. Winchester Research Station	Township of Winchester

O. Reg. 699/77, s. 1; O. Reg. 989/80, s. 1.

REGULATION 672

under the Municipal Act

DESIGNATION OF CORRECTIONAL INSTITUTIONS

1. The following institutions are designated as correctional institutions for the purposes of section 160 of the Act:

1. Burtch Correctional Centre
2. Guelph Correctional Centre
3. Millbrook Correctional Centre
4. Mimico Correctional Centre
5. Monteith Correctional Centre
6. Rideau Correctional Centre
7. Thunder Bay Correctional Centre
8. Vanier Centre for Women
9. Maplehurst Correctional Centre
10. Guelph Neo-Psychiatric Clinic
11. Brampton Adult Training Centre
12. Burtch Adult Training Centre
13. Monteith Adult Training Centre
14. Rideau Adult Training Centre
15. Thunder Bay Adult Training Centre
16. Pine Ridge School
17. Brookside School
18. Sprucedale School
19. White Oaks Village
20. Glendale School
21. Hillcrest School
22. Grand View School
23. Kawartha Lakes School
24. Cecil Facer School
25. Reception and Assessment Centre, Oakville
26. Ottawa-Carleton Regional Detention Centre
27. Quinte Regional Detention Centre
28. Barrie Jail
29. Brampton Jail
30. Brantford Jail
31. Brockville Jail
32. Chatham Jail
33. Cobourg Jail
34. Cornwall Jail
35. Fort Frances Jail
36. Guelph Jail
37. Haileybury Jail
38. Hamilton Jail
39. Kenora Jail
40. Kitchener Jail
41. Lindsay Jail
42. London Jail
43. L'Orignal Jail
44. Milton Jail
45. Monteith Jail
46. North Bay Jail
47. Orangeville Jail
48. Owen Sound Jail
49. Parry Sound Jail
50. Pembroke Jail
51. Perth Jail
52. Peterborough Jail
53. St. Thomas Jail

- 54. Sarnia Jail
- 55. Sault Ste. Marie Jail
- 56. Simcoe Jail
- 57. Stratford Jail
- 58. Sudbury Jail
- 59. Thunder Bay Jail
- 60. Toronto Jail
- 61. Walkerton Jail
- 62. Whitby Jail
- 63. Windsor Jail

- 64. Woodstock Jail
- 65. Dufferin Forestry Camp
- 66. Hendrie Forestry Camp
- 67. Hillsdale Forestry Camp
- 68. Oliver Forestry Camp
- 69. Ontario Correctional Institute, Brampton
- 70. Niagara Regional Detention Centre
- 71. St. Joseph's Training School

O. Reg. 443/73, s. 1; O. Reg. 574/73, s. 1;
O. Reg. 571/74, ss. 1, 2; O. Reg. 562/76, s. 1.

REGULATION 673

under the Municipal Act

DESIGNATION OF FACILITIES
UNDER
DEVELOPMENTAL SERVICES ACT

1. The institutions under the *Developmental Services Act*, set out in the Schedule are hereby designated for the purposes of section 160 of the Act. O. Reg. 261/75, s. 1.

Schedule

ITEM LOCATION	NAME
1. Aurora	Pine Ridge
2. Brantford	Brantwood
3. Brockville	St. Lawrence Regional Centre
4. Cobourg	D'Arcy Place
5. East Zorra-Tavistock	Oxford Regional Centre
6. Gravenhurst	Muskoka Centre
7. Hallowell	Prince Edward Heights
8. Hamilton	Dr. Rygiel Home for Children
9. Kingston	L. S. Penrose Centre
10. Kitchener	Sunbeam Home

11. London	C.P.R.I.
12. Montague	Rideau Regional Centre
13. North Bay	Nipissing Regional Centre
14. Oakville	Oaklands Regional Centre
15. Orillia	Huron Regional Centre
16. Oro	Adult Occupational Centre
17. Raleigh	Southwestern Regional Centre
18. St. Thomas	St. Thomas Adult Rehabilitation and Training Centre
19. Thunder Bay	Mental Retardation Unit Walter P. Hogarth Memorial Hospital Northwestern Regional Centre
20. Thurlow	Plainfield Children's Home
21. Toronto	Surrey Place Centre
22. Wallace	Midwestern Regional Centre
23. Whitby	Durham Regional Centre

O. Reg. 261/75, Sched. 1; O. Reg. 826/75, s. 1;
O. Reg. 560/76, s. 1.

REGULATION 674

under the Municipal Act

DESIGNATION OF MUNICIPALITIES

1. The following municipalities are designated local municipalities for the purposes of section 160 of the Act:

1. Borough of East York
2. Borough of Etobicoke
3. Borough of North York
4. Borough of Scarborough
5. Borough of York
6. City of Barrie
7. City of Belleville
8. City of Brampton
9. City of Brantford
10. City of Brockville
11. City of Burlington
12. City of Cambridge
13. City of Chatham
14. City of Cornwall
15. City of Guelph
16. City of Hamilton
17. City of Kingston
18. City of Kitchener
19. City of London
20. City of Mississauga
21. City of Nanticoke
22. City of Niagara Falls
23. City of North Bay
24. City of Orillia
25. City of Oshawa
26. City of Ottawa
27. City of Owen Sound
28. City of Pembroke
29. City of Peterborough
30. City of Port Colborne
31. City of St. Catharines
32. City of St. Thomas
33. City of Sarnia
34. City of Sault Ste. Marie
35. City of Stratford
36. City of Sudbury
37. City of Thunder Bay
38. City of Toronto
39. City of Waterloo
40. City of Welland
41. City of Windsor
42. City of Woodstock
43. Town of Ajax
44. Town of Alliston
45. Town of Almonte
46. Town of Arnprior
47. Town of Aurora
48. Town of Blind River
49. Town of Bracebridge
50. Town of Campbellford
51. Town of Carleton Place
52. Town of Chesley
53. Town of Clinton
54. Town of Cobourg
55. Town of Cochrane
56. Town of Collingwood
57. Town of Dryden

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| 58. Town of Dunnville | 91. Town of New Liskeard |
| 59. Town of Durham | 92. Town of Newmarket |
| 60. Town of Englehart | 93. Town of Niagara-on-the-Lake |
| 61. Town of Espanola | 94. Town of Oakville |
| 62. Town of Exeter | 95. Town of Orangeville |
| 63. Town of Fergus | 96. Town of Palmerston |
| 64. Town of Fort Erie | 97. Town of Paris |
| 65. Town of Fort Frances | 98. Town of Parry Sound |
| 66. Town of Geraldton | 99. Town of Penetanguishene |
| 67. Town of Goderich | 100. Town of Perth |
| 68. Town of Gravenhurst | 101. Town of Petrolia |
| 69. Town of Grimsby | 102. Town of Picton |
| 70. Town of Haileybury | 103. Town of Port Hope |
| 71. Town of Haldimand | 104. Town of Rainy River |
| 72. Town of Halton Hills | 105. Town of Renfrew |
| 73. Town of Hanover | 106. Town of Richmond Hill |
| 74. Town of Hawkesbury | 107. Town of Seaforth |
| 75. Town of Hearst | 108. Town of Simcoe |
| 76. Town of Huntsville | 109. Town of Sioux Lookout |
| 77. Town of Iroquois Falls | 110. Town of Smooth Rock Falls |
| 78. Town of Kapuskasing | 111. Town of Southampton |
| 79. Town of Kenora | 112. Town of Strathroy |
| 80. Town of Kirkland Lake | 113. Town of Sturgeon Falls |
| 81. Town of Leamington | 114. Town of Thessalon |
| 82. Town of Lindsay | 115. Town of Thorold |
| 83. Town of Listowel | 116. Town of Tillsonburg |
| 84. Town of Little Current | 117. Town of Timmins |
| 85. Town of Mattawa | 118. Town of Walkerton |
| 86. Town of Meaford | 119. Town of Wallaceburg |
| 87. Town of Midland | 120. Town of Whitby |
| 88. Town of Milton | 121. Town of Wiarton |
| 89. Town of Mount Forest | 122. Town of Wingham |
| 90. Town of Newcastle | 123. Separated Town of Ingersoll |

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| 124. Separated Town of St. Marys | 156. Township of Marathon |
| 125. Separated Town of Smiths Falls | 157. Township of Medonte |
| 126. Separated Town of Trenton | 158. Township of Michipicoten |
| 127. Village of Alfred | 159. Township of Montague |
| 128. Village of Bancroft | 160. Township of Mulmer |
| 129. Village of Burk's Falls | 161. Township of Nepean |
| 130. Village of Lion's Head | 162. Township of Nipigon |
| 131. Village of L'Orignal | 163. Township of Oro |
| 132. Village of Markdale | 164. Township of Oxford on Rideau |
| 133. Village of Newbury | 165. Township of Raleigh |
| 134. Village of Shelburne | 166. Township of Red Lake |
| 135. Village of Winchester | 167. Township of Richmond |
| 136. Township of Anson, Hindon and Minden | 168. Township of Rideau |
| 137. Township of Atikokan | 169. Township of St. Joseph |
| 138. Township of Black River-Matheson | 170. Township of Sarnia |
| 139. Township of Brantford | 171. Township of Scugog |
| 140. Township of Carnarvon | 172. Township of Sherwood, Jones and Burns |
| 141. Township of Cavan | 173. Township of Sidney |
| 142. Township of Chapleau | 174. Township of Sydenham |
| 143. Township of Dysart et al | 175. Township of Tay |
| 144. Township of East Zorra-Tavistock | 176. Township of Terrace Bay |
| 145. Township of Elizabethtown | 177. Township of Tuckersmith |
| 146. Township of Elliot Lake | 178. Township of Uxbridge |
| 147. Township of Emo | 179. Township of Vespra |
| 148. Township of Glenelg | 180. Township of Wallace |
| 149. Township of Gloucester | 181. Township of Wicksteed |
| 150. Township of Goderich | 182. Township of Yarmouth |
| 151. Township of Hollowell | 183. Development Area Board of Moosonee |
| 152. Township of Hamilton | 184. Improvement District (now Township) of Beardmore |
| 153. Township of Kenyon | 185. Improvement District (now Township) of Manitouwadge |
| 154. Township of Kincardine | |
| 155. Township of King | |

REGULATION 675

under the Municipal Act

DESIGNATION OF PROVINCIAL EDUCATION INSTITUTIONS

1. The following provincial education institutions are designated as provincial education institutions for the purposes of section 160 of the Act:

INSTITUTION	LOCATION
1. Centralia College of Agricultural Technology	Township of Stephen
2. Kemptville College of Agricultural Technology	Township of Oxford on Rideau
3. New Liskeard College of Agricultural Technology	Town of New Liskeard
4. Ridgetown College of Agricultural Technology	Town of Ridgetown
5. The Ernest C. Drury School	Town of Milton
6. The Robarts School	City of London
7. The Sir James Whitney School	City of Belleville
8. The W. Ross Macdonald School	City of Brantford

O. Reg. 822/75, s. 1; O. Reg. 827/75, s. 1.

REGULATION 676

under the Municipal Act

DESIGNATION OF PROVINCIAL MENTAL HEALTH FACILITIES AND PUBLIC HOSPITALS

1. The following institutions are designated as public hospitals or provincial mental health facilities for the purposes of section 160 of the Act:

Schedule

ITEM	LOCATION	NAME	ITEM	LOCATION	NAME
1. Ajax	Ajax and Pickering General Hospital		22. Carleton Place	Carleton Place and District Memorial Hospital	
2. Alliston	The Stevenson Memorial Hospital		23. Carnarvon	Red Cross Outpost	
3. Almonte	Almonte General Hospital		24. Chapleau	Lady Minto Hospital	
4. Anson, Hindon and Minden	Red Cross Outpost		25. Chatham	Public General Hospital	
5. Arnprior	Arnprior and District Memorial Hospital			St. Joseph's Hospital	
6. Atikokan	Atikokan General Hospital		26. Chesley	Chesley and District Memorial Hospital	
7. Bancroft	Red Cross Outpost		27. Clinton	The Clinton Hospital Association	
8. Barrie	Royal Victoria Hospital of Barrie		28. Cobourg	Cobourg District General Hospital	
9. Beardmore	Red Cross Outpost		29. Cochrane	The Lady Minto Hospital at Cochrane	
10. Belleville	Belleville General Hospital		30. Collingwood	The Collingwood General and Marine Hospital	
11. Black River —Matheson	The Bingham Memorial Hospital		31. Cornwall	Cornwall General Hospital	
12. Blind River	St. Joseph's General Hospital			Hotel Dieu Hospital	
13. Newcastle	Memorial Hospital, Bowmanville			Macdonell Memorial Hospital	
14. Bracebridge	South Muskoka Memorial Hospital		32. Deep River	Deep River and District Hospital	
15. Brampton	Peel Memorial Hospital		33. Dryden	Dryden District General Hospital	
16. Brantford	The Brantford General Hospital		34. Dunnville	Haldimand War Memorial Hospital	
	St. Joseph's Hospital		35. Durham	Durham Memorial Hospital	
	Brant Sanatorium (Hospital Division)		36. Dysart et al	Red Cross Outpost	
17. Brockville	Brockville General Hospital		37. East York	Toronto East General and Orthopaedic Hospital	
	St. Vincent de Paul Hospital		38. Elizabethtown	Brockville Psychiatric	
18. Burk's Falls	Burk's Falls and District Red Cross Hospital		39. Elliot Lake	St. Joseph's General Hospital	
19. Burlington	Joseph Brant Memorial Hospital		40. Emo	Red Cross Outpost	
20. Cambridge	South Waterloo Memorial Hospital		41. Englehart	Englehart and District Hospital	
21. Campbellford	Campbellford Memorial Hospital		42. Espanola	Espanola General Hospital	
			43. Etobicoke	The Etobicoke General Hospital	
				The Queensway General Hospital	
				Lakeshore Psychiatric	
				Thistletown Regional Children's Centre	
			44. Exeter	South Huron Hospital	
			45. Fergus	The Groves Memorial Community Hospital	
			46. Fort Erie	Douglas Memorial Hospital	
			47. Fort Frances	La Verendrye Hospital	

ITEM	LOCATION	NAME	ITEM	LOCATION	NAME
48.	Geraldton	Geraldton District Hospital			St. Mary's Hospital
49.	Goderich	Alexandra Marine and General Hospital			University Hospital
50.	Goderich Township	Goderich Psychiatric	76.	Manitouwadge	Victoria Hospital
51.	Grimsby	West Lincoln Memorial Hospital			London Psychiatric
52.	Guelph	Guelph General Hospital			Manitouwadge General Hospital
53.	Haldimand	St. Joseph's Hospital	77.	Marathon	Wilson Memorial General Hospital
54.	Haileybury	West Haldimand General Hospital	78.	Markdale	Center Grey General Hospital
55.	Halton Hills	Temiskaming Hospitals	79.	Mattawa	Mattawa General Hospital
56.	Hamilton	Haileybury Unit	80.	Meaford	Meaford General Hospital
		Georgetown and District Memorial Hospital	81.	Michipicoten	The Lady Dunn General Hospital
		Hamilton Civic Hospitals	82.	Midland	St. Andrew's Hospital
		Chedoke Hospitals	83.	Milton	Milton District Hospital
		McMaster University Medical Centre	84.	Mississauga	The Mississauga Hospital
		St. Joseph's Hospital	85.	Mount Forest	Louise Marshall Hospital Limited
57.	Hanover	St. Peter's Hospital	86.	Moosonee	James Bay General Hospital
		Hamilton Psychiatric	87.	Newbury	Four Counties General Hospital
		Hanover Memorial Hospital	88.	New Liskeard	Temiskaming Hospitals
58.	Hawkesbury	Hawkesbury and District General Hospital			New Liskeard Unit
59.	Hearst	Nortre Dame Hospital	89.	Newmarket	The York County Hospital Corporation
60.	Huntsville	Huntsville District Memorial Hospital	90.	Niagara Falls	The Greater Niagara General Hospital
61.	Ingersoll	Alexandra Hospital	91.	Niagara-on-the-Lake	The Niagara Hospital
62.	Iroquois Falls	Anson General Hospital	92.	Nipigon	Nipigon District Memorial Hospital
63.	Kapuskasing	Sersenbrenner Hospital	93.	North Bay	North Bay Civic Hospital
64.	Kenora	Lake of the Woods District Hospital			St. Joseph's General Hospital
65.	Kenyon	Glengarry Memorial Hospital			North Bay Psychiatric
66.	Kincardine	Kincardine General Hospital	94.	North York	Bloorview Children's Hospital
67.	Kingston	Ongwanada Hospital			York-Finch General Hospital
		Hotel Dieu Hospital			Baycrest Hospital
		St. Mary's-of-the-Lake			The Donwood Institute
		Kingston General Hospital			Ontario Crippled Children's Centre
		Kingston Psychiatric			Sunnybrook Hospital
68.	Kirkland Lake	Kirkland and District Hospital			Humber Memorial Hospital
69.	Kitchener	Freeport Hospital			North York Branson Hospital
		St. Mary's General Hospital			North York General Hospital
		Kitchener-Waterloo Hospital			St. Bernard's Convalescent Hospital
70.	Leamington	Leamington District Memorial Hospital			St. John's Convalescent Hospital
71.	Lindsay	The Ross Memorial Hospital			Lyndhurst Hospital
72.	Lion's Head	Red Cross Outpost	95.	Oakville	Oakville-Trafalgar Memorial Hospital
73.	Listowel	Listowel Memorial Hospital			
74.	Little Current	St. Joseph's General Hospital			
75.	London	Parkwood Hospital			
		St. Joseph's Hospital			

ITEM	LOCATION	NAME	ITEM	LOCATION	NAME
96.	Orangeville	Dufferin Area Hospital	121.	St. Marys	St. Marys Memorial Hospital
97.	Orillia	Orillia Soldiers' Memorial Hospital	122.	St. Thomas	St. Thomas-Elgin General Hospital
98.	Oshawa	Oshawa General Hospital	123.	Sarnia	St. Joseph's Hospital Sarnia General Hospital
99.	Ottawa	Children's Hospital of Eastern Ontario Ottawa Civic Hospital Ottawa General Hospital The Perley Hopital Montfort St. Vincent Hospital The Salvation Army Grace Hospital Riverside Hospital Royal Ottawa Hospital	124.	Sault Ste. Marie	The General Hospital Plummer Memorial Public Hospital
100.	Owen Sound	The Owen Sound General and Marine Hospital	125.	Scarborough	Providence Hospital Scarborough General Hospital Scarborough Centenary Hospital Association
101.	Oxford on Rideau	Kemptville District Hospital	126.	Seaforth	Seaforth Community Hospital
102.	Palmerston	Palmerston General Hospital	127.	Shelburne	Shelburne District Hospital
103.	Paris	The Willett Hospital	128.	Sherwood, Jones and Burns	St. Francis Memorial Hospital
104.	Parry Sound	Parry Sound General Hospital St. Joseph's Hospital	129.	Simcoe	Norfolk General Hospital
105.	Pembroke	General Hospital Pembroke Civic Hospital	130.	Sioux Lookout	Sioux Lookout General Hospital
106.	Penetanguishene	Penetanguishene General Hospital Mental Health Centre	131.	Smiths Falls	St. Francis General Hospital The Smiths Falls Public Hospital
107.	Perth	The Great War Memorial Hospital of Perth District	132.	Smooth Rock Falls	Smooth Rock Falls Hospital
108.	Peterborough	The Peterborough Civic Hospital St. Joseph's Hospital	133.	Southampton	Saugeen Memorial Hospital
109.	Petrolia	Charlotte Eleanor Englehart Hospital	134.	Stratford	Stratford General Hospital
110.	Picton	Prince Edward County Memorial Hospital	135.	Strathroy	Strathroy Middlesex General Hospital
111.	Port Colborne	Port Colborne General Hospital	136.	Sturgeon Falls	St. Jean de Brebeuf Hospital
112.	Port Hope	The Port Hope and District Hospital	137.	Sudbury	Sudbury Algoma Sanatorium Association St. Joseph's Hospital Sudbury General Hospital of the Immaculate Heart of Mary Sudbury Memorial Hospital Laurentian Hospital
113.	Scugog	Community Memorial Hospital	138.	Sydenham	Dr. MacKinnon Phillips
114.	Rainy River	Red Cross Outpost	139.	Tay	Mental Health Centre Penetanguishene Oak Ridges Wing
115.	Red Lake	Margaret Cochenour Memorial Hospital	140.	Terrace Bay	The McCausland Hospital, Terrace Bay
116.	Renfrew	The Renfrew Victoria	141.	Thessalon	Red Cross Outpost
117.	Richmond Township	Lennox and Addington County General Hospital	142.	Thunder Bay	Walter P. Hogarth Memorial Hospital McKellar General Hospital The General Hospital of Port Arthur St. Joseph's General Hospital Westmount Hospital Lakehead Psychiatric
118.	Richmond Hill	York Central Hospital			
119.	St. Catharines	Hotel Dieu Hospital The Shaver Hospital The St. Catharines General Hospital			
120.	St. Joseph	Red Cross Outpost			

ITEM	LOCATION	NAME	ITEM	LOCATION	NAME
143.	Tillsonburg	Tillsonburg District Memorial Hospital	148.	Walkerton	County of Bruce General Hospital
144.	Timmins	St. Mary's Hospital Porcupine General Hospital Northeastern Regional Mental Health Centre	149.	Wallaceburg	Sydenham District Hospital
145.	Toronto	Alcoholism and Drug Addiction Research Foundation (The Clinical Institute) Central Hospital Clarke Institute of Psychiatry Doctors Hospital Hillcrest Hospital Hospital for Sick Children New Mount Sinai Hospital Orthopaedic and Arthritic Hospital Our Lady of Mercy Hospital Queen Elizabeth Hospital Runnymede Hospital St. Joseph's Hospital St. Michael's Hospital Salvation Army Grace Hospital Toronto General Hospital Toronto Western Hospital The Wellesley Hospital Women's College Hospital Queen Street Mental Health Centre Riverdale Hospital Ontario Cancer Institute (Princess Margaret) Trenton Memorial Hospital	150.	Welland	Welland County General Hospital
			151.	Whitby	Dr. Joseph O. Ruddy General Hospital Whitby Psychiatric Hospital
			152.	Warton	Bruce Peninsula and District Memorial Hospital
			153.	Winchester	Winchester District Memorial Hospital
			154.	Windsor	Hotel Dieu of St. Joseph's Hospital Centre (I.O.D.E. Riverview) Inc. Metropolitan General Hospital Salvation Army Grace Hospital
			155.	Wingham	Wingham and District Hospital
			156.	Woodstock	Woodstock General Hospital St. Thomas Psychiatric
			157.	Yarmouth	St. Thomas Psychiatric
			158.	York	Northwestern General Hospital Humber Memorial Hospital Toronto Hospital (Weston)
			159.	Wicksteed	Hornepayne Community Hospital
146.	Trenton		O. Reg. 442/73, s. 1, Sched.; O. Reg. 600/73, ss. 1-4; O. Reg. 572/74, ss. 1-4; O. Reg. 259/75, s. 1; O. Reg. 824/75, s. 1; O. Reg. 825/75, s. 1; O. Reg. 558/76, ss. 1, 2; O. Reg. 559/76, s. 1.		
147.	Uxbridge	The Cottage Hospital (Uxbridge)			

REGULATION 677

under the Municipal Act

DESIGNATION OF UNIVERSITIES

1. The following are designated as universities for the purposes of section 160 of the Act:

1. Brock University
2. University of Ottawa
3. University of Guelph
4. Lakehead University
5. Laurentian University
6. McMaster University
7. Queen's University
(including McArthur College of Education
Queen's University)
8. Ontario College of Art
9. University of Toronto
(including the College of Education
University of Toronto)

10. Trent University
11. University of Waterloo
12. The University of Western Ontario
(including Althouse College of Education)
13. University of Windsor
14. York University
15. Carleton University
16. College de Hearst
17. Wilfrid Laurier University
18. Dominican's College of Philosophy and
Theology
19. Regis College
20. The Ontario Institute for Studies in Educa-
tion.

R.R.O. 1970, Reg. 616, s. 1; O. Reg. 440/73,
s. 1; O. Reg. 741/73, s. 1; O. Reg. 262/75,
s. 1; O. Reg. 314/71, s. 1.

REGULATION 678

under the Municipal Act

PENSION PLAN FOR MUNICIPAL EMPLOYEES

1. This Regulation applies to by-laws that provide for pensions for employees or any class thereof and that were passed by municipalities and local boards under a predecessor of paragraph 64 of section 208 of the Act and approved by the Ministry before the 18th day of April, 1962. R.R.O. 1970, Reg. 617, s. 1.

2. A pension shall be limited to an annuity payable in periodic instalments at least as long as the employee lives and commencing on the retirement date of the employee or, in the case of an employee who is retired on account of sickness or disability, commencing within thirty-one days after the date he retires, and shall be provided out of payments by the municipality or local board and deductions from the salary, wages or other remuneration of the employee and the interest thereon. R.R.O. 1970, Reg. 617, s. 2.

3.—(1) Pension plans shall be,

(a) by contract with Her Majesty in accordance with the *Government Annuities Act* (Canada);

(b) by contract with an insurer licensed under the *Insurance Act*;

(c) funded by agreement with a trustee being a trust company incorporated under the laws of Canada or any province thereof and registered under the *Loan and Trust Corporations Act*; or

(d) by a combination of any of the methods referred to in clauses (a), (b) and (c).

(2) A pension plan under clause (1) (e) or a combination of methods that include clause (c) shall, in the written opinion of a qualified actuary, be actuarially sound. R.R.O. 1970, Reg. 617, s. 3.

4.—(1) Every employee who is employed when the pension plan comes into effect shall be given the right to elect to join the plan,

(a) if he is then eligible, within a stipulated time after the plan comes into effect; or

(b) if he is not then eligible, within a stipulated time after he becomes eligible,

but, if the employee does not elect to join the plan within the time stipulated, he shall not be entitled to

any contributory payment by the municipality or local board under clause 7 (a).

(2) Subject to subsection (1), every employee who is eligible, other than an employee who enters the employment after he has reached normal retirement age, shall be required to participate in the pension plan and to continue to participate during his employment. R.R.O. 1970, Reg. 617, s. 4.

5. Every pension plan shall require that to be eligible an employee shall be a permanent employee. R.R.O. 1970, Reg. 617, s. 5.

PAYMENTS

6.—(1) Each employee participating in the pension plan,

(a) shall be required to contribute regular payments; and

(b) may make larger payments than the minimum required by the plan.

(2) Payments shall be calculated as a percentage of the employee's salary or wage.

(3) The percentage referred to in subsection (2) shall be the same for all employees under the plan.

(4) All payments shall be made through the municipality or local board. R.R.O. 1970, Reg. 617, s. 6.

7. Contributing payments to a pension plan by a municipality or local board shall not exceed,

(a) an amount that will purchase an annuity of \$25 for each completed year of an employee's service prior to the commencement date of the plan, excluding any years of service prior to forty years before the normal retirement age of a male employee and thirty-five years before the normal retirement age of a female employee and including any years absent from his employment while in the service of Her Majesty's Forces; and

(b) the amount paid by the employee under clause 6 (1) (a) in respect of service after the commencement date of the pension plan. R.R.O. 1970, Reg. 617, s. 7.

8. The administrative costs and expenses of a pension plan under clause 3 (1) (c) or, where the pension plan is a combination of methods that include clause (c), the administrative costs and expenses of the part

thereof that is under clause (c) shall be paid out of the moneys contributed to the plan. R.R.O. 1970, Reg. 617, s. 8.

CASH WITHDRAWALS

9. Where the employment of an employee by a municipality or local board is terminated before a pension becomes payable to him under a pension plan and the employee receives a refund of his contributions to the pension plan, the employee shall not be entitled to receive the contributions made by the municipality or local board in respect of the employee, except where the plan so provides and his employment is terminated because he is permanently unemployable due to mental or physical disability as established by medical evidence satisfactory to the municipality or local board. R.R.O. 1970, Reg. 617, s. 9.

10. Where the employment of an employee by a municipality or local board is terminated before a pension becomes payable to him, the employee shall be entitled to the pension benefits payable to him under the plan in respect of the contributions made by, and with respect to, the employee except where,

- (a) all or part of the contributions made by the employee to a pension plan are refunded to the employee in which case the refund shall be in full settlement of the rights of the employee in respect of the period of service for which the contributions so refunded were made; or
- (b) the contributions have been transferred in accordance with subsection 117 (4) of the Act. R.R.O. 1970, Reg. 617, s. 10.

11.—(1) Where a person dies before his annuity payments commence, his beneficiary named under the plan or, if none is named, his estate is entitled to payment in full of his payments to the pension plan together with the payments made by the municipality or local board on his behalf, with interest.

(2) Where a person dies after his annuity payments commence, his beneficiary named under the plan or, if none is named, his estate is entitled to payment of the amount or amounts required by the terms of the plan to be payable. R.R.O. 1970, Reg. 617, s. 11.

12. Where a pension plan provides that an employee may remain in the service of the municipality or local board after attaining normal retirement age, the pension plan shall provide that,

- (a) the employee's service shall be for a period of one year renewable by the municipality or local board for further periods of one year each;

- (b) the pension shall not commence until his actual retirement; and
- (c) the employee may elect that his payments and the contributing payments by the municipality or local board shall cease, or that his payments and the contributing payments shall continue to be made until his service terminates or until the amount at the credit of the employee will provide an annual pension not in excess of 60 per cent of his average annual salary for the preceding three years of his service. R.R.O. 1970, Reg. 617, s. 12.

VESTING

13. Except as provided in subsection 117 (4) of the Act, no pension plan shall provide for assignment, transfer or commutation of any benefits under the plan. R.R.O. 1970, Reg. 617, s. 13.

14. Subject to sections 9 and 13, all payments of the municipality or local board and an employee, together with interest on the sum of both, vest in the employee when paid or earned. R.R.O. 1970, Reg. 617, s. 14.

AGREEMENT WITH A TRUSTEE

15. Where a pension plan is provided by agreement with a trustee, the agreement shall provide,

- (a) that the trustee may be removed from office on being given sixty days written notice with or without cause by action of the municipality or local board that appointed him, which action shall be evidenced by a by-law of the municipality or a resolution of the local board, certified to the trustee over the signature of the clerk of the municipality under the Corporate Seal or over the signature of the secretary of the local board and delivered to the trustee;
- (b) that the trustee may resign at any time by giving sixty days written notice of his resignation to the clerk of the municipality or the secretary of the local board; and
- (c) that the class of securities in which the trustee may invest the trust money shall not include bonds, debentures or other evidence of indebtedness issued or guaranteed by the municipality or local board that appointed him, except when invested in pooled or commingled trust funds. R.R.O. 1970, Reg. 617, s. 15.

REGULATION 679

under the Municipal Act

REVISION AND CERTIFICATION OF
ASSESSMENT COMMISSIONER'S LIST

1. For the purposes of preparing a collector's roll or rolls under section 374 of the Act, the clerk of a municipality shall follow the procedures set forth in this Regulation for revision and certification of the list supplied to him by the assessment commissioner under section 14 of the *Assessment Act*. O. Reg. 374/72, s. 1.

2.—(1) Immediately upon receipt of the list, the clerk shall,

- (a) fix the places at which and the times when revision of the list will be commenced;
- (b) post one copy of the list in a conspicuous place in his office and one copy in each of the places determined under clause a for inspection during business hours; and
- (c) publish a notice in a newspaper having general circulation in the municipality, of the date of posting of the list, the last day for filing complaints and the places and times at which the revision of the list will be commenced and, where there is no such newspaper, display such notice in at least two conspicuous places in the municipality. O. Reg. 374/72, s. 2 (1); O. Reg. 169/75, s. 1.

(2) The day of posting copies of the list and of publishing the notice under subsection (1) shall be at least eight days before the last day for filing complaints. O. Reg. 374/72, s. 2 (2).

(3) The clerk shall attend at the revision of the list and shall continue to do so from day to day or as required until all complaints filed before the last day for filing complaints for revision of the list have been disposed of and the clerk may proceed to determine and dispose of such complaints as from time to time may be received, notwithstanding that the time for filing complaints for revision of the list has not yet expired. O. Reg. 374/72, s. 2 (3).

(4) An application for alteration of the list with respect to a school support entry shall be made in duplicate on a form to be provided by the clerk who shall return to the applicant one copy of the completed application having endorsed thereon either his approval of the application or his reasons for its refusal and both copies shall, in any event, be signed and dated by the clerk. O. Reg. 374/72, s. 2 (4).

3. An application for alteration of a school support entry on the list shall be in Form 1. O. Reg. 374/72, s. 3.

Form 1

Municipal Act

APPLICATION FOR ALTERATION OF SCHOOL SUPPORT ENTRY

PLEASE PRINT

Canadian Citizen
or other
British Subject Alien

1. Applicant(s):	<input type="checkbox"/>	<input type="checkbox"/>
(name(s) in full		
.....	<input type="checkbox"/>	<input type="checkbox"/>

Please Check One: Tenants ☐ Joint Owners ☐ Sole Owner ☐ Sole Tenant ☐

2. Mailing Address:..... Municipality:.....

3. Telephone Number:.....

4. Address of Property—Urban. (If different from Mailing Address):
..... Municipality:.....

REGULATION 680

under the Municipal Affairs Act

MUNICIPAL AUDITORS

INTERPRETATION

1. In this Regulation,

(a) "applicant" means an applicant for a licence to perform the duties of a municipal auditor;

(b) "population" means,

(i) when used in respect of a municipality, the number of inhabitants in the municipality as determined by the latest yearly census under section 20 of the *Assessment Act*, and

(ii) when used in respect of a local board in an unorganized township or unsurveyed territory, the number of inhabitants in the area served by that local board. R.R.O. 1970, Reg. 215, s. 1.

LICENCES

2.—(1) A licence to perform the duties of a municipal auditor may be granted only upon written application to the Ministry.

(2) An applicant who is not the holder of a licence shall make application in Form 1.

(3) Where a person holding a licence for any year desires to be granted a licence for the next succeeding year without examination, he may make application therefor in Form 2. R.R.O. 1970, Reg. 215, s. 2.

3.—(1) A licence shall be in Form 3.

(2) A licence is not transferable.

(3) The fee for a licence granted,

(a) upon examination is \$25; or

(b) without examination is \$10. R.R.O. 1970, Reg. 215, s. 3.

4.—(1) There are four classes of licences, known as "Class A", "Class B", "Class C" and "Class D".

(2) A Class A licence,

(a) may be granted to an applicant,

(i) who is a member of a qualifying body under the *Public Accountancy Act* and has taken the regular courses of that body and passed its final examinations or the equivalent thereof recognized by that body, and is a public accountant as defined in clause 1 (a) of that Act, or

(ii) who holds a Class B or a Class C licence and whom the Ministry considers qualified for a Class A licence; and

(b) entitles the holder thereof to perform the duties of a municipal auditor for any municipality.

(3) A Class B licence,

(a) may be granted to an applicant who holds a Class C licence and whom the Ministry considers qualified for a Class B licence; and

(b) entitles the holder to perform the duties of a municipal auditor for a town, village, township or improvement district having a population under 10,000.

(4) A Class C licence,

(a) may be granted to an applicant who passes the written examination prescribed under section 9; and

(b) entitles the holder to perform the duties of a municipal auditor for a town, village, township or improvement district having a population under 5,000.

(5) A Class D licence,

(a) may be granted to any applicant whom the Ministry considers qualified for that class of licence;

(b) entitles the holder to perform the duties of a municipal auditor for a village, township or improvement district having a population of not more than 1,000; and

(c) may be limited to performing the duties of a municipal auditor for a specified municipality or local board or for two or more specified municipalities or local boards. R.R.O. 1970, Reg. 215, s. 4.

5. Every licence shall,

- (a) be granted for a specified year ending with the 31st day of December; and
- (b) entitle the holder to perform the duties of a municipal auditor,
 - (i) during that year, and
 - (ii) thereafter, in respect of that year.

QUALIFICATIONS

6. Subject to sections 2 and 7, no licence shall be granted unless the applicant has satisfied the Ministry as to his qualifications by passing the written examination prescribed under section 9. R.R.O. 1970, Reg. 215, s. 6.

7.—(1) Section 6 does not apply to an applicant,

- (a) specified in subclause 4 (2) (a) (i); or
- (b) who holds a licence granted under this Regulation, that has not been revoked or expired for more than twelve months; or
- (c) for a Class D licence; or
- (d) who,
 - (i) holds a Class B licence and has qualified for a Class A licence, or
 - (ii) holds a Class C licence and has qualified for a Class B or a Class A licence.

(2) Notwithstanding subsection (1), the Ministry may require the holder of any licence to pass a written examination in order to establish or re-establish his qualification. R.R.O. 1970, Reg. 215, s. 7.

REFUSAL, SUSPENSION OR REVOCATION

8.—(1) Where the Ministry considers that a licence should be refused, suspended or revoked because the applicant or licensee, as the case may be,

- (a) has failed to complete his municipal audit, or audits, on or before the date specified by the Ministry for completion;
- (b) is not, or has ceased to be, qualified for the licence applied for, or held;
- (c) has negligently made,
 - (i) a careless audit, or

- (ii) an inaccurate and misleading report;

(d) from improper motives, has coloured a report; or

(e) has abetted, acquiesced in, connived at, or concealed, irregularities,

- (i) in the accounting system, books or accounts, or

- (ii) by any officer, servant, agent or member of the council or board,

of a municipality for which he is municipal auditor,

the Minister may, after a hearing, refuse, suspend or revoke that licence.

(2) Clause (1) (b) does not apply, to a refusal to grant a licence after examination under section 6 of subsection 7 (2), where the applicant has failed to obtain the minimum marks prescribed in subsection 9 (4).

(3) Before holding a hearing, the Minister shall send by registered mail to the applicant or licensee, at his address shown on his application for the licence, a notice,

- (a) giving,

- (i) the cause or causes under subsection (1) alleged against him, and

- (ii) the nature of the evidence in support thereof; and

- (b) appointing the date, time and place for the hearing.

(4) The Minister shall allow at least seven clear days between the date of sending the notice and the date for the hearing.

(5) If the applicant or licensee fails to attend the hearing on the date and at the time and place appointed, the hearing may proceed and a decision may be made in his absence.

(6) At the hearing, the applicant or licensee is entitled to hear the evidence against him, to cross-examine thereon, to call witnesses in his behalf and to present his argument.

(7) The applicant or licensee may be represented at the hearing by counsel or by an agent. R.R.O. 1970, Reg. 215, s. 8.

EXAMINATIONS

9.—(1) Written examinations to qualify to perform the duties of a municipal auditor shall be,

- (a) held at least twice a year;

(b) uniform for all candidates presenting themselves at that examination;

(c) conducted as arranged by the Ministry; and

(d) held at such place or places as the Ministry considers appropriate for that examination.
- (2) Every examination shall consist of three papers, for each of which the maximum marks are 100.
- (3) The papers shall be in respect of,

(a) accounting;

(b) municipal law; and

(c) auditing.
- (4) No candidate shall be deemed to be qualified unless he obtains at least,

(a) 50 per cent on each of the three papers; and

(b) at least 60 per cent on the total examination.

R.R.O. 1970, Reg. 215, s. 9.
- Form 1

Municipal Affairs Act

APPLICATION FOR LICENCE
AS A MUNICIPAL AUDITOR

....., 19....
(Date)

To: The Ministry of Intergovernmental
Affairs,
Legislative Buildings,
Toronto, Ontario.
- I apply for a licence to perform the duties of a municipal auditor and I make the following statements in support thereof:

1. My full name is.....

2. My residence address is.....

3. My business or occupation is.....

4. My business address is.....

5. My age isyears.

(Strike out any of items 6, 7, 8, 9, that are not applicable)

6. I am licensed under the *Public Accountancy Act*,
- my current licence being No....., issued the.....of....., 19...., which has not expired, been suspended or cancelled.

7. I have previously held the following licences as municipal auditor:

.....

Class
.....

Year
.....

8. My education and training as a municipal auditor are as follows:

(List dates, schools, places and employers)

.....

.....

.....

.....

9. My experience as a municipal auditor is as follows:

.....

.....

.....

.....
-
(signature of applicant)

R.R.O. 1970, Reg. 215, Form 1.
- Form 2

Municipal Affairs Act

APPLICATION FOR ISSUE OF NEW
LICENCE

I,.....
(full name)

.....
(office postal address)

the holder of licence Serial Number.....for the
year.....apply for a Class.....licence for the
year.....

Remittance of \$10 for licence fee is enclosed
herewith.

Date:

....., 19....
(signature)

R.R.O. 1970, Reg. 215, Form 2.

Form 3

Municipal Affairs Act

MUNICIPAL AUDITOR'S LICENCE

Year..... Serial No.....

Under the *Municipal Affairs Act* and the regulations
thereunder, and subject to the limitations thereof, this
licence is granted to

.....
(full name)

.....
(postal address)

to perform the duties of a municipal auditor, Class..

Granted at Toronto theof....., 19....

.....
Minister of Intergovernmental
Affairs.

R.R.O. 1970, Reg. 215, Form 3.

REGULATION 681

under the Municipal Elections Act

FORMS

1. The oath required to be taken by a deputy returning officer under subsection 4 (8) of the Act shall be in Form 1, or, where the Form is made available in both the English and French languages, the Form in the French language shall be in Form 1A. O. Reg. 358/78, s. 1.

2. The oath required to be taken by a poll clerk under subsection 4 (8) of the Act shall be in Form 2, or, where the Form is made available in both the English and French languages, the Form in the French language shall be in Form 2A. O. Reg. 358/78, s. 2.

3. The oath required to be taken by a returning officer under subsection 4 (8) of the Act shall be in Form 3, or, where the Form is made available in both the English and French languages, the Form in the French language shall be in Form 3A. O. Reg. 358/78, s. 3.

4. The oath required to be taken by an assistant returning officer and an election assistant under subsection 4 (8) of the Act shall be in Form 4, or, where the Form is made available in both the English and French languages, the Form in the French language shall be in Form 4A. O. Reg. 358/78, s. 4.

5. The oath required to be taken by an assistant revising officer under subsection 4 (8) of the Act shall be in Form 5, or, where the Form is made available in both the English and French languages, the Form in the French language shall be in Form 5A. O. Reg. 358/78, s. 5.

6. The oath required to be taken by a scrutineer, constable and other person authorized to attend at a polling place under subsection 4 (8) of the Act shall be in Form 6, or, where the Form is made available in both the English and French languages, the Form in the French language shall be in Form 6A. O. Reg. 358/78, s. 6.

7. The notice required to be affixed to the outside or cover of each copy of the preliminary list of electors under subsection 25 (4) of the Act shall be in Form 7, or, where the Form is made available in both the English and French languages, the Form in the French language shall be in Form 7A. O. Reg. 358/78, s. 7.

8. The notice to be affixed to the outside or cover of each copy of the preliminary list of electors for the polling subdivision under subsection 25 (4) of the Act shall be in Form 8, or, where the Form is made available in both the English and French languages, the Form in the French language shall be in Form 8A. O. Reg. 358/78, s. 8.

9. The application required to be completed under subsection 27 (2) of the Act by a person to have his name included in the preliminary list or to have information corrected in the preliminary list shall be in Form 9, or, where the Form is made available in both the English and French languages, the Form in the French language shall be in Form 9A. O. Reg. 358/78, s. 9.

10. The application required to be completed under subsection 27 (2) of the Act by a person to have his name entered in the list of another ward shall be in Form 10, or, where the Form is made available in both the English and French languages, the Form in the French language shall be in Form 10A. O. Reg. 358/78, s. 10.

11. The application to be filed by a person under subsection 28 (1) of the Act shall be in Form 11, or, where the Form is made available in both the English and French languages, the Form in the French language shall be in Form 11A. O. Reg. 358/78, s. 11.

12. The oath required to be taken by a person under subsection 33 (1) or (2) of the Act shall be in Form 12, or, where the Form is made available in both the English and French languages, the Form in the French language shall be in Form 12A. O. Reg. 358/78, s. 12.

13. The nomination paper required under subsection 36 (1) of the Act shall be in Form 13, or, where the Form is made available in both the English and French languages, the Form in the French language shall be in Form 13A. O. Reg. 358/78, s. 13.

14. The ballot required under subsection 43 (1) of the Act shall be in Form 14-1 and the ballot paper required under subsection 43 (10) of the Act shall be in Form 14-2, or, where the Forms are made available in both the English and French languages, the Form in the French language shall be in Forms 14-1A and 14-2A, respectively, with such variations or modifications as circumstances require, but any deviations therefrom not affecting the substance or calculated to mislead do not vitiate the Forms. O. Reg. 358/78, s. 14.

15. The directions for the guidance of voters required by clause 48 (1) (c) of the Act shall be in Form 15, or, where the Form is made available in both the English and French languages, the Form in the French language shall be in Form 15A. O. Reg. 358/78, s. 15.

16. The certificate and receipt for ballots to be prepared by the deputy returning officer under subsection 48 (3) of the Act shall be in Form 16, or, where the

Form is made available in both the English and French languages, the Form in the French language shall be in Form 16A. O. Reg. 358/78, s. 17.

17. The application required to be completed under subsection 50 (1) of the Act by a person entitled to vote at the polling place at which he is stationed during the polling day shall be in Form 17, or, where the Form is made available in both the English and French languages, the Form in the French language shall be in Form 17A. O. Reg. 579/80, s. 2.

18. The oath required to be taken by a person objected to under paragraphs 4 and 5 of subsection 55 (1) or under section 57 of the Act shall be in Form 18, or, where the Form is made available in both the English and French languages, the Form in the French language shall be in Form 18A. O. Reg. 358/78, s. 18.

19. The declaration required to be taken by a person representing himself as an elector under subsection 56 (1) of the Act shall be in Form 19, or, where the Form is made available in both the English and French languages, the Form in the French language shall be in Form 19A. O. Reg. 358/78, s. 19.

20. The oath required to be taken by an incapacitated person under subsection 63 (1) of the Act shall be in Form 20, or, where the Form is made available in both the English and French languages, the Form in the French language shall be in Form 20A. O. Reg. 358/78, s. 20.

21. The oath required to be taken by a friend of an elector under subsection 63 (3) of the Act shall be in Form 21, or, where the Form is made available in both the English and French languages, the Form in the French language shall be in Form 21A. O. Reg. 460/78, s. 1.

22. The oath required to be taken by an interpreter under section 64 of the Act shall be in Form

22, or, where the Form is made available in both the English and French languages, the Form in the French language shall be in Form 22A. O. Reg. 358/78, s. 22.

23. The certificate required to be completed by the clerk under clause 66 (6) (b) of the Act shall be in Form 23, or, where the Form is made available in both the English and French languages, the Form in the French language shall be in Form 23A. O. Reg. 358/78, s. 23.

24. The appointment of a voting proxy permitted under subsection 67 (2) of the Act, the certificate of the clerk required under subsection 67 (6) of the Act and the oath of the proxy voter required under subsection 67 (8) of the Act shall be in Form 24, or, where the Form is made available in both the English and French languages, the Form in the French language shall be in Form 24A. O. Reg. 358/78, s. 24.

25. The oath required to be taken by a poll clerk under section 76 of the Act shall be in Form 25, or, where the Form is made available in both the English and French languages, the Form in the French language shall be in Form 25A. O. Reg. 358/78, s. 25.

26. The oath required to be taken by a deputy returning officer under subsection 78 (3) of the Act shall be in Form 26, or, where the Form is made available in both the English and French languages, the Form in the French language shall be in Form 26A. O. Reg. 358/78, s. 26.

27. The oath required to be taken by the person chosen by the deputy returning officer to deliver the ballot box under subsection 78 (4) of the Act shall be in Form 27, or, where the Form is made available in both the English and French languages, the Form in the French language shall be in Form 27A. O. Reg. 358/78, s. 27.

Form 1

Municipal Elections Act
(Section 4 (8))

PRELIMINARY OATH OF DEPUTY RETURNING OFFICER

Ward No.	Polling Subdivision No.
Municipality	
Name of Person Appointed as Deputy Returning Officer	

I, the aforesaid person, appointed deputy returning officer for the said polling subdivision in this municipality, swear or solemnly affirm:

That I will act faithfully in the capacity set out in my appointment and perform all the duties required by law without partiality, fear, favour or affection;

That I will maintain and aid in maintaining the secrecy of the voting; and

That I will not nor attempt to:

- interfere with an elector when he is marking his ballot paper,
- obtain or communicate any information as to how an elector is about to vote or has voted, or
- directly or indirectly induce an elector to show his marked ballot paper to any person.

SWORN or affirmed before me
at the.....
of.....
in the.....Of.....
this.....day of.....
19....

.....
(signature of deputy returning officer)

.....
(signature of clerk or commissioner, etc.)

(THIS OATH AND APPOINTMENT OF DEPUTY RETURNING OFFICER TO BE ENDORSED UPON OR ATTACHED TO THE POLLING LIST.)

Formule 1A

Loi sur les élections municipales
(Article 4 (8))

SERMENT PRÉLIMINAIRE DU SCRUTATEUR

Quartier n°	Section de vote n°
Municipalité	
Nom du scrutateur	

Je, soussigné, scrutateur nommé pour ladite section de vote de la municipalité, jure ou déclare solennellement:

Que je m'acquitterai fidèlement des fonctions de ma charge et de toutes les obligations prescrites par la loi, sans partialité, crainte ni faveur;

Que je maintiendrai et aiderai à maintenir le secret du vote; et

Que je m'abstiendrai:

- d'influencer de quelque manière un électeur qui remplit son bulletin de vote,
- d'obtenir ou de communiquer des renseignements sur la manière dont un électeur va voter ou a voté, ou
- d'inciter directement ou indirectement un électeur à montrer à un tiers son bulletin de vote rempli.

JURÉ ou déclaré solennellement devant moi

au.....

de.....

dans la.....de.....

le.....19.....
(jour) (mois)

.....
(Signature du greffier, commissaire, etc.)

.....
(Signature du scrutateur)

(LA PRÉSENTE FORMULE DOIT FIGURER SUR LE REGISTRE DU SCRUTIN OU Y ÊTRE JOINTE)

Form 2

Municipal Elections Act
(Section 4 (8))

PRELIMINARY OATH OF POLL CLERK

Ward No.	Polling Subdivision No.
Municipality	
Name of Person Appointed as Poll Clerk	

I, the aforesaid person, appointed poll clerk for the said polling subdivision in this municipality, swear or solemnly affirm:

That I will act faithfully in the capacity set out in my appointment and in the capacity of deputy returning officer if so required and perform all the duties required by law without partiality, fear, favour or affection;

That I will maintain and aid in maintaining the secrecy of the voting; and

That I will not nor attempt to:

- interfere with an elector when he is marking his ballot paper,
- obtain or communicate any information as to how an elector is about to vote or has voted, or
- directly or indirectly induce an elector to show his marked ballot paper to any person.

SWORN or affirmed before me
at the.....
of.....
in the.....of.....
this.....day of.....
19...

.....
(signature of clerk,
deputy returning officer
or commissioner, etc.)

.....
(signature of poll clerk)

Formule 2A

Loi sur les élections municipales
(Article 4 (8))

SERMENT PRÉLIMINAIRE DU SECRÉTAIRE DU BUREAU DE VOTE

Quartier n°	Section de vote n°
Municipalité	
Nom du secrétaire du bureau de vote	

Je, soussigné, secrétaire du bureau de vote nommé pour ladite section de vote de la municipalité, jure ou déclare solennellement:

Que je m'acquitterai fidèlement des fonctions de ma charge et de celles de scrutateur, le cas échéant, ainsi que de toutes les obligations prescrites par la loi, sans partialité, crainte ni faveur;

Que je maintiendrai et aiderai à maintenir le secret du vote; et

Que je m'abstiendrai:

- d'influencer de quelque manière un électeur qui remplit son bulletin de vote,
- d'obtenir ou de communiquer des renseignements sur la manière dont un électeur va voter ou a voté, ou
- d'inciter directement ou indirectement un électeur à montrer à un tiers son bulletin de vote rempli.

JURÉ ou déclaré solennellement devant moi

au.....

de.....

dans la.....de.....

le.....19.....
(jour) (mois)

.....
(Signature du greffier, scrutateur,
commissaire, etc.)

.....
(Signature du secrétaire du
bureau de vote)

Form 3

Municipal Elections Act
(Section 4 (8))

OATH OF RETURNING OFFICER

I,.....returning officer for
....., swear or
(insert the name of the municipality)

solemnly affirm:

That I will act faithfully in the capacity of returning officer for this municipality and perform all the duties required by law without partiality, fear, favour or affection;

That I will maintain and aid in maintaining the secrecy of the voting; and

That I will not nor attempt to:

- interfere with an elector when he is marking his ballot paper,
- obtain or communicate any information as to how an elector is about to vote or has voted, or
- directly or indirectly induce an elector to show his marked ballot paper to any person.

SWORN or affirmed before me
at the.....
of.....
in the.....of.....
this.....day of.....
19...

.....
(signature of returning officer)

.....
(signature of clerk or
commissioner, etc.)

Formule 3A

Loi sur les élections municipales
(Article 4 (8))

SERMENT DU DIRECTEUR DU SCRUTIN

Je, soussigné,....., directeur du scrutin pour
....., jure ou déclare solennellement:
(nom de la municipalité)

Que je m'acquitterai fidèlement de mes fonctions de directeur du
scrutin de la municipalité, ainsi que de toutes les obligations
prescrites par la loi, sans partialité, crainte ni faveur;

Que je maintiendrai et aiderai à maintenir le secret du vote; et

Que je m'abstiendrai:

- d'influencer de quelque manière un électeur qui remplit
son bulletin de vote,
- d'obtenir ou de communiquer des renseignements sur la manière
dont un électeur va voter ou a voté, ou
- d'inciter directement ou indirectement un électeur à montrer
à un tiers son bulletin de vote rempli.

JURÉ ou déclaré solennellement devant moi

au.....

de.....

dans la.....de.....

le.....19.....
(jour) (mois)

.....
(Signature du greffier, commissaire, etc.)

.....
(Signature du directeur du scrutin)

Form 4

Municipal Elections Act
(Section 4 (8))

OATH OF ASSISTANT RETURNING OFFICER
OR
ELECTION ASSISTANT

Municipality

I, the undersigned, appointed in the capacity of

.....swear or
solemnly affirm:

That I will act faithfully in the capacity set out
in my appointment above and perform all the duties
required by law and as directed without partiality,
fear, favour or affection;

That I will maintain and aid in maintaining the
secrecy of the voting; and

That I will not nor attempt to:

- interfere with an elector when he is marking
his ballot paper,
- obtain or communicate any information as to
how an elector is about to vote or has voted, or
- directly or indirectly induce an elector to
show his marked ballot paper to any person.

SWORN or affirmed before me
at the.....
of.....
in the.....of.....
this....day of.....
19...

.....
(signature of clerk or
commissioner, etc.)

.....
(signature of assistant returning
officer or election assistant)

Formule 4A

Loi sur les élections municipales
(Article 4 (8))

SERMENT DU DIRECTEUR ADJOINT DU SCRUTIN
OU
DU PERSONNEL SUPPLÉANT

Municipalité

Je, soussigné, nommé en qualité de.....
jure ou déclaré solennellement:

Que je m'acquitterai fidèlement des fonctions de ma charge et de toutes les obligations prescrites par la loi, selon les instructions qui me seront données, sans partialité, crainte ni faveur;

Que je maintiendrai et aiderai à maintenir le secret du vote; et

Que je m'abstiendrai:

- d'influencer de quelque manière un électeur qui remplit son bulletin de vote,
- d'obtenir ou de communiquer des renseignements sur la manière dont un électeur va voter ou a voté, ou
- d'inciter directement ou indirectement un électeur à montrer à un tiers son bulletin de vote rempli.

JURÉ ou déclaré solennellement devant moi

au.....

de.....

dans la.....de.....

le.....19.....
(jour) (mois)

.....
(Signature du greffier, commissaire, etc.) (Signature du directeur adjoint
du scrutin ou du personnel suppléant)

Form 5

Municipal Elections Act
(Section 4 (8))

OATH OF ASSISTANT REVISING OFFICER

Municipality

I, the undersigned, appointed in the capacity of
assistant revising officer swear or solemnly affirm:

That I will act faithfully in the capacity of
assistant revising officer for this municipality
and perform all the duties required by law and as
directed without partiality, fear, favour or affection.

SWORN or affirmed before me
at the.....
of.....
in the.....Of.....
this....day of.....
19...

.....
(signature of assistant
revising officer)

.....
(signature of clerk or
commissioner, etc.)

Formule 5A

Loi sur les élections municipales
(Article 4 (8))

SERMENT DU RÉVISEUR ADJOINT

Municipalité

Je, soussigné, nommé en qualité de réviser adjoint, jure or déclare solennellement:

Que je m'acquitterai fidèlement de mes fonctions de reviseur adjoint de la municipalité, ainsi que de toutes les obligations prescrites par la loi, selon les instructions qui me seront données, sans partialité, crainte ni faveur.

JURÉ ou déclaré solennellement devant moi

au.....

de.....

dans la.....de.....

le.....19.....
(jour) (mois)

.....
(Signature du greffier, commissaire, etc.)

.....
(Signature du réviser adjoint)

Form 6

Municipal Elections Act
(Section 4 (8))

OATH OF SECRECY

To be administered to any of the persons authorized to be in attendance at the polling place.

Scrutineers appointed for more than one poll must take this oath at each poll.

I, one of the undersigned, swear or solemnly affirm:

That I will maintain and aid in maintaining the secrecy of the voting; and


That I will not nor attempt to:

- interfere with an elector when he is marking his ballot paper,
- obtain or communicate any information as to how an elector is about to vote or has voted, or
- directly or indirectly induce an elector to show his marked ballot paper to any person.

SWORN or affirmed before me
at the.....
of.....
in the.....of.....
this....day of.....
19...

signature of person administering above oath
.....

signatures of persons
taking above oath


.....

capacity in which
such person is
attending at the
polling place
(if scrutineer -
name candidate)

.....

Formule 6A

Loi sur les élections municipales
(Article 4 (8))

SERMENT DE SECRET

Ce serment doit être prêté par toutes les personnes autorisées à être présentes dans le bureau de vote.

Les représentants de candidats nommés à plusieurs bureaux de vote doivent prêter ce serment à chaque bureau.

Je, l'un des soussignés, jure ou déclare solennellement:

Que je maintiendrai et aiderai à maintenir le secret du vote; et

Que je m'abstiendrai:

- d'influencer de quelque manière un électeur qui remplit son bulletin de vote,
- d'obtenir ou de communiquer des renseignements sur la manière dont un électeur va voter ou a voté, ou
- d'inciter directement ou indirectement un électeur à montrer à un tiers son bulletin de vote rempli.

JURÉ ou déclaré solennellement devant moi |
au.....
de.....
dans la.....de.....
le.....19.....
(jour) (mois)

Signature de la personne qui fait prêter le serment	Signature des personnes assermentées	Qualité de la personne présente dans le bureau de vote (dans le cas d'un représentant de candidat, nom du candidat)
.....
.....
.....
.....

Form 7

Municipal Elections Act
(Section 25 (4))

PRELIMINARY LIST OF ELECTORS

for

Municipality

THIS PRELIMINARY LIST OF ALL ELECTORS PREPARED AS REQUIRED BY
THE *MUNICIPAL ELECTIONS ACT* WAS PUBLICLY POSTED IN THE
OFFICE OF THE MUNICIPAL CLERK ON THE....DAY OF....., 19...

ELECTORS SHOULD EXAMINE THE LIST TO ENSURE THAT THEIR NAMES
AND RELEVANT INFORMATION ARE CORRECTLY SHOWN.

APPLICATION FOR INCLUSIONS, ADDITIONS OR CORRECTIONS TO OR
DELETIONS FROM THE LIST MAY BE MADE BY AN ELECTOR BY COMPLETING
AND FILING A FORM OBTAINABLE AT THE OFFICE OF THE CLERK.

THE LAST DAY FOR FILING APPLICATIONS CONCERNING
INCLUSIONS, ADDITIONS, CORRECTIONS OR DELETIONS:

.....
(name of municipal clerk)

Formule 7A

Loi sur les élections municipales
(Article 25 (4))

AVIS SUR LA LISTE ÉLECTORALE

Municipalité

La présente liste électorale, établie selon les prescriptions de la

LOI SUR LES ELECTIONS MUNICIPALES, a été publiquement affichée

dans les bureaux du greffier municipal le , 19...
(jour) (mois)

Les électeurs sont invités à l'examiner afin de vérifier que leur nom et autres renseignements pertinents y sont convenablement inscrits.

Tout électeur peut faire une demande d'inscription, d'addition, de correction ou de radiation en remplissant une formule au bureau du greffier.

Dernier délai pour la réception des demandes d'inscription, d'addition, de correction ou de radiation:

--

.....
(Greffier municipal)

O. Reg. 358/78, Form 7A.

Form 8

Municipal Elections Act
(Section 25 (4))

LIST OF ELECTORS

for

Ward No.	Polling Subdivision No.
Municipality	

THIS LIST HAS BEEN PREPARED AS REQUIRED UNDER THE *MUNICIPAL ELECTIONS ACT* AND IS PART OF THE PRELIMINARY LIST OF ELECTORS PUBLICLY POSTED IN THE OFFICE OF THE MUNICIPAL CLERK.

ELECTORS SHOULD EXAMINE THE LIST TO ENSURE THAT THEIR NAMES AND RELEVANT INFORMATION ARE CORRECTLY SHOWN.

APPLICATION FOR INCLUSIONS, ADDITIONS OR CORRECTIONS TO OR DELETIONS FROM THE LIST MAY BE MADE BY AN ELECTOR BY COMPLETING AND FILING A FORM OBTAINABLE AT THE OFFICE OF THE CLERK.

THE LAST DAY FOR FILING APPLICATIONS CONCERNING INCLUSIONS, ADDITIONS, CORRECTIONS OR DELETIONS:

DATE POSTED:

.....
(name of municipal clerk)

O. Reg. 358/78, Form 8.

Formule 8A

Loi sur les élections municipales
(Article 25 (4))

AVIS SUR LA LISTE ÉLECTORALE D'UNE SECTION DE VOTE

Quartier n°	Section de vote n°
Municipalité	

La présente liste a été établie selon les prescriptions de la LOI SUR
LES ELECTIONS MUNICIPALES et faite partie de la liste électorale
affichée publiquement dans les bureaux du greffier municipal.

Les électeurs sont invités à l'examiner afin de vérifier que leur nom et
autres renseignements pertinents y sont convenablement inscrits.

Tout électeur peut faire une demande d'inscription, d'addition, de
correction ou de radiation en remplissant une formule au bureau du greffier.

Dernier délai pour la réception des demandes d'inscription, d'addition, de
correction ou de radiation:

DATE DE L'AFFICHAGE:

.....
(Greffier municipal)

O. Reg. 358/78, Form 8A.

Form 9

Municipal Elections Act
(Section 27 (2))

APPLICATION FOR INCLUSION OF NAME OR CORRECTION
OF ENTRY IN PRELIMINARY LIST OF ELECTORS

Application for ☐ inclusion of name

or ☐ correction of entry

in the preliminary list of electors.

Indicate (x) in the appropriate boxes above and below beside
the facts applicable to the applicant.

Ward No.	Polling Subdivision No.
Municipality	
Surname of Applicant	Given Names
Full address of residence	Apt. No.

- ☐ Resident in municipality
- ☐ Owner of land in municipality

☐ Spouse of owner of land in municipality
- ☐ Tenant of land in municipality

☐ Spouse of tenant of land in municipality
- ☐ Separate school elector

☐ Public school elector

If application is for corrections - state correct information:

.....

.....

.....

If non-resident - state location or description of property in municipality:

.....

.....

.....

I, the undersigned applicant, hereby state that I am a Canadian citizen or other British subject, that I have attained the age of eighteen years or on or before polling day will attain the age of eighteen years, and that I was during the qualification period for electors entitled to be an elector in accordance with the facts or information submitted above which I believe to be true and I hereby apply to have my name included or the corrections made in the preliminary list of electors in accordance with such facts or information.

.....
(signature of applicant)

.....
(date of application)

If this signed application is
submitted by an agent of the
applicant, the agent shall
endorse as follows:

I hereby declare that I am the
agent for the applicant named
herein and on his behalf I submit
this application signed by him.

.....
(signature of agent - if
applicable)

THE FOLLOWING TO BE COMPLETED BY THE CLERK OR ASSISTANT REVISING
OFFICER

CERTIFICATE OF APPROVAL

I hereby certify that the preliminary
list of electors for the said polling
subdivision in this municipality has
been amended in accordance with the
above statement of facts.

..... OR ☐
(signature of clerk) Assistant
Revising
Officer

.....
(date certified)

Indicate (x) if application refused - State reasons

☐
.....
.....

Refused by -
Initials

Date

Formule 9A

Loi sur les élections municipales
(Article 27 (2))

DEMANDE D'INSCRIPTION OU DE CORRECTION
SUR LA LISTE ÉLECTORALE

- Demande ☐ d'inscription sur la liste
☐ de correction sur la liste

Cocher les cases appropriées ci-dessus et ci-dessous.

Quartier n°	Section de vote n°
Municipalité	
Nom de requérant	Prénoms
Adresse complète (domicile)	App. n°

- ☐ Domicilié dans la municipalité
- ☐ Propriétaire d'un terrain dans la municipalité
- ☐ Locataire d'un terrain dans la municipalité
- ☐ Contribuable des écoles séparées
- ☐ Conjoint du propriétaire d'un terrain dans la municipalité
- ☐ Conjoint du locataire d'un terrain dans la municipalité
- ☐ Contribuable des écoles publiques

S'il s'agit d'une correction, indiquer renseignements exacts:

.....
.....
.....

Si le requérant n'est pas domicilié dans la municipalité, emplacement ou description de la propriété située dans la municipalité:

.....
.....
.....

Je, soussigné, déclare par les présentes que je suis citoyen canadien ou sujet britannique, que j'aurai dix-huit ans révolus à la date du scrutin et que j'avais le droit, pendant la période d'admissibilité des électeurs, d'être électeur conformément aux faits ou renseignements ci-dessus, que je crois vrais. Je demande donc par les présentes que mon nom soit inscrit ou que la correction soit faite sur la liste électorale conformément auxdits faits ou renseignements.

.....
(Signature du requérant)

.....
(Date de la demande)

- - - Si la demande signée est remise - - -
par un représentant du requérant,
le représentant signe la formule
suivante:

Je déclare par les présentes être
le représentant du requérant nommé
ci-dessus et je sou mets en son nom
la présente demande, signée par lui.

.....
(Signature du représentant, le cas échéant)

À REMPLIR PAR LE GREFFIER OU LE RÉVISEUR ADJOINT

CERTIFICAT D'APPROBATION

Je certifie par les présentes que la liste préliminaire des électeurs de la section de vote mentionnée ci-dessus a été modifiée conformément à la déclaration du requérant.

.....
(Signature du greffier)
ou
(Signature du réviser adjoint)

.....
(Date du certificat)

Cocher la case ci-dessous si la demande est refusée
et indiquer les motifs du refus

☐
.....

Refusé par - Initiales

Date

Form 10

Municipal Elections Act
(Section 27 (2))

APPLICATION FOR ENTRY OF NAME OF AN ELECTOR IN
A DIFFERENT POLLING LIST

Municipality	
Surname of Applicant	Given Names
Full Address of Applicant	Apt. No.

APPLYING FOR NAME TO BE DELETED FROM LIST FOR

Ward No.	Polling Subdivision No.
----------	-------------------------

AND FOR NAME TO BE ENTERED IN LIST FOR

Ward No.	Polling Subdivision No.
----------	-------------------------

Indicate (X) in applicable box if:

- Applicant is ☐ resident in municipality
- ☐ non-resident in municipality
- ☐ spouse of owner or tenant of the following property
- ☐ owner of the following property
- ☐ tenant of the following property

State location or description of property in municipality:
.....
.....
.....
.....
.....

I, the undersigned applicant, hereby apply to have my name deleted from the preliminary list of electors for the ward and polling subdivision where it now appears and entered in the list of another ward and polling subdivision as set out above and I state that the facts submitted above are true and correct.

.....
(signature of applicant)

.....
(date of application)

-----If this signed application is-----

submitted by an agent of the

applicant, the agent shall

endorse as follows:

I hereby declare that I am the

agent for the applicant named

herein and on his behalf I

submit this application signed

by him.

.....

(signature of agent - if

applicable)

THE FOLLOWING TO BE COMPLETED BY THE CLERK OR ASSISTANT
REVISING OFFICER

CERTIFICATE OF APPROVAL

I hereby certify that the preliminary
list of electors for the said polling
subdivision in this municipality has
been amended in accordance with the
above statement of facts.

..... OR ☐
(signature of clerk) Assistant
Revising
Officer

.....
(date certified)

Indicate (X) if application refused
- state reasons

☐

.....

.....

Refused by -
Initials

Date

Formule 10A

Loi sur les élections municipales
(Article 27 (2))

DEMANDE D'INSCRIPTION D'UN ÉLECTEUR SUR LA LISTE ÉLECTORALE
D'UN AUTRE QUARTIER

Municipalité	
Nom de l'auteur de la demande	Prénoms
Adresse complète de l'auteur de la demande	App. no.

RADIATION DE LA LISTE DE

Quartier no.	Section de vote no.
--------------	---------------------

INSCRIPTION À LA LISTE DE

Quartier no.	Section de vote no.
--------------	---------------------

Cocher la case appropriée:

l'auteur de la
demande est :

- ☐ un électeur résidant dans la
municipalité
- ☐ un électeur non résidant dans
la municipalité
- ☐ le conjoint du propriétaire ou du
locataire de la propriété ci-après
- ☐ le propriétaire de la propriété
ci-après
- ☐ le locataire de la propriété ci-après

Emplacement ou description de la propriété située dans la
municipalité:

.....
.....
.....

Je soussigné, demande par les présentes que mon nom soit radié
de la liste électorale préliminaire du quartier et de la section de vote
où il figure actuellement et inscrit sur la liste du quartier et de
la section de vote indiqués ci-dessus.

Je déclare que les faits indiqués ci-dessus sont vrais.

.....
(signature de l'auteur de la demande)

.....
(Date de la demande)

-----Si la demande signée est remise -----

par un représentant de l'auteur de la demande,
le représentant signe la formule
suivante:

Je déclare par les présentes être
le représentant de l'auteur de la demande nommé
ci-dessus et je sou mets en son nom
la présente demande, signée par lui.

.....
(signature du représentant, le cas échéant)

À REMPLIR PAR LE SECRÉTAIRE OU LE RÉVISEUR ADJOINT

CERTIFICAT D'APPROBATION

Je certifie par les présentes que la liste électorale
préliminaire de la section de vote mentionnée ci-dessus
a été modifiée conformément à la déclaration de l'auteur
de la demande.

.....
(signature du secrétaire)

ou

(signature du réviser adjoint)

.....
(Date du certificat)

Cocher la case ci-dessous si la demande est refusée et indiquer les motifs du refus	Refusée par - Initiales
.....	
.....	Date
.....	

Form 11

Municipal Elections Act
(Section 28 (1))

APPLICATION FOR DELETION OF NAME FROM PRELIMINARY LIST OF ELECTORS
(prepare in triplicate)

Municipality

APPLICATION MADE BY

Surname	Given Names
Full address of residence	Apt. No.

IN RESPECT OF

Name as entered on preliminary list of electors	
Full address of residence	Apt. No.

ENTERED ON LIST FOR

Ward No.	Polling Subdivision No.
----------	-------------------------

Statement by applicant

I, the undersigned applicant, hereby state:

That I have good reason to believe that the person named above as entered on the preliminary list of electors for the said polling subdivision is not entitled as an elector to have his name entered thereon; and

That I will attend at a hearing to be held by the clerk or assistant revising officer and there establish the validity of my application, the nature of which is as follows:

.....
.....
.....

.....
(signature of applicant)

.....
(date signed)

to the person named above
NOTICE concerning whom the application
is made

TAKE NOTICE that the above application has been filed with me
under the authority of section 28 (1) of the *Municipal Elections*
Act, alleging that your name has been wrongfully included
in the preliminary list of electors prepared for the said
polling subdivision in this municipality and that your name
may be removed from such list if you or your representative
do not appear at my hearing, to be held as outlined below, to
answer this application and to substantiate your right to have
your name remain on the list.

Hearing to be held:

Date	Time	..... (signature of clerk) <input type="checkbox"/>
Place		or (assistant revising officer) <input type="checkbox"/>
Address		..... (date of notice)
		..... (contact phone number)

COPIES: Original to be retained by clerk or assistant revising officer.

Copy to be served on or sent by registered mail to the person concerning whom the application is made as notice of the application.

Formule 11A

Loi sur les élections municipales
(Article 28 (1))

DEMANDE DE RADIATION DE LA LISTE ÉLECTORALE

(Remplir en trois exemplaires)

Municipalité

DEMANDE FAITE PAR

Nom	Prénoms
Adresse complète (domicile)	App. n°

À L'ÉGARD DE

Nom inscrit sur la liste électorale
Adresse complète (domicile) App. n°

INSCRIT SUR LA LISTE DE

Quartier n°	Section de vote n°
-------------	--------------------

Déclaration du requérant

Je, soussigné, déclare par les présentes:

Que j'ai lieu de croire que la personne nommée ci-dessus, inscrite sur la liste électorale de ladite section de vote, n'est pas en droit de faire inscrire son nom à titre d'électeur sur cette liste; et

Que je serai présent à l'audience que tiendra le greffier ou le réviser adjoint et que j'y établirai la validité de ma demande, dont la nature est comme suit:

.....
.....
.....

.....
(Signature du requérant)

.....
(Date)

AVIS à la personne qui fait l'objet de la demande de radiation ci-dessus

AVIS VOUS EST DONNE que la demande de radiation ci-dessus a été déposée devant moi sous l'autorité du paragraphe 1 de l'article 28 de la LOI SUR LES ELECTIONS MUNICIPALES. Il y est affirmé que votre nom a été inscrit à tort sur la liste électorale de ladite section de vote de cette municipalité. Votre nom peut être radié de cette liste si vous ou votre représentant ne comparaisses pas à l'audience que je tiendrai à la date indiquée ci-dessous, afin de répondre à cette demande et d'établir votre droit à être inscrit sur la liste.

L'audience aura lieu:

Date	Heure
Lieu	
Adresse	

.....
(Signature du greffier)
ou
(Signature du réviser adjoint)
.....
(Date de l'avis)
.....
(Numéro de téléphone)

COPIES: Original conservé par le greffier ou le réviser adjoint

Une copie remise en main propre ou envoyée par courrier recommandé à la personne visée par la demande. Cette copie tient lieu d'avis.

O. Reg. 358/78, Form 11A.

Form 12

Municipal Elections Act
(Section 33 (1), (2))

APPLICATION FOR CLERK'S CERTIFICATE

(Prepare in duplicate)

Ward No.	Polling Subdivision No.
Municipality	
Surname of Applicant	Given Names
Full address of Applicant	Apt. No.

Indicate (x) in the appropriate boxes beside the facts applicable to the applicant.

- | | |
|---|---|
| <input type="checkbox"/> Resident in municipality | |
| <input type="checkbox"/> Owner of land in municipality | <input type="checkbox"/> Spouse of owner of land in municipality |
| <input type="checkbox"/> Tenant of land in municipality | <input type="checkbox"/> Spouse of tenant of land in municipality |
| <input type="checkbox"/> Separate school elector | <input type="checkbox"/> Public school elector |

If non-resident, state location or description of property in municipality:

.....
.....
.....
.....

The following oath to be taken by an applicant who was, during the qualification period for electors, fully entitled to be an elector but whose name was omitted from the preliminary list of electors.

OATH OF APPLICANT

I, the undersigned applicant, swear or solemnly affirm:

That I am a Canadian Citizen or other British Subject;

That I have attained the age of eighteen years or on or before polling day will attain the age of eighteen years;

That I was during the qualification period for electors entitled to be an elector in accordance with the facts or information submitted above which I believe to be true; and

That to the best of my knowledge and belief my name is not included in any other polling list in this municipality.

SWORN or affirmed before me

at the

of

in theof.....

this.....day of.....

19...

.....
(signature of clerk)

.....
(signature of applicant)

OR The following oath to be taken by an applicant who, except for the Citizenship or British Subject requirement, was otherwise entitled to have his name entered on the preliminary list of electors and who is now fully entitled.

OATH OF APPLICANT

I, the undersigned applicant, swear or solemnly affirm:

That during the qualification period for electors, I was entitled to have my name entered on the preliminary list of electors in accordance with the facts or information submitted above as they applied at that time except that I was not a Canadian Citizen or other British Subject. I have now met this requirement and have produced for inspection by the clerk of this municipality the conclusive evidence required by subsection 33 (2) of the *Municipal Elections Act*.

SWORN or affirmed before me

at the.....

of.....

in the.....of.....

this.....day of.....

19...

.....
(signature of clerk)

.....
(signature of applicant)

CERTIFICATE

I hereby certify that the above applicant is entitled to have his name entered on the polling list and I hereby authorize the deputy returning officer for the said polling subdivision to enter the name of such person on the polling list and to permit such person to vote.

.....
(signature of clerk)

.....
(date certified)

(ORIGINAL APPLICATION, CERTIFIED BY THE CLERK, MUST BE PRODUCED BY THE APPLICANT AND FILED WITH THE DEPUTY RETURNING OFFICER AT THE POLL.)

Formule 12A

Loi sur les élections municipales

(Article 33(1), (2)

DEMANDE D'ATTESTATION DU SECRÉTAIRE

POUR L'INSCRIPTION D'UN NOM SUR LA LISTE ÉLECTORALE DÉFINITIVE

(Remplir en deux exemplaires)

Quartier no.	Section de vote no.
Municipalité	
Nom de l'auteur de la demande	Prénoms
Adresse complète de l'auteur de la demande	App. no.

Cocher les cases appropriées ci-dessous

- ☐ Électeur résidant dans la municipalité
- ☒ Propriétaire d'un terrain dans la municipalité

☐ Conjoint du propriétaire d'un terrain dans la municipalité
- ☐ Locataire d'un terrain dans la municipalité

☐ Conjoint du locataire d'un terrain dans la municipalité
- ☐ Électeur contribuable des écoles séparées

☐ Électeur contribuable des écoles publiques

Si l'auteur de la demande ne réside pas dans la municipalité, donner l'emplacement ou la description de la propriété située dans la municipalité:

.....
.....
.....

Le serment ci-après doit être prêté par l'auteur d'une demande qui, pendant la période d'admissibilité des électeurs, était pleinement en droit d'être électeur, mais dont le nom a été omis de la liste électorale préliminaire.

SERMENT DE L'AUTEUR DE LA DEMANDE

Je soussigné, jure ou déclare solennellement:

Que je suis citoyen canadien ou sujet britannique;

Que j'aurai dix-huit ans révolus à la date du scrutin;

Que j'avais le droit, pendant la période d'admissibilité des électeurs, d'être électeur conformément aux faits ou renseignements ci-dessus, que je crois vrais; et

Que mon nom n'est pas inscrit sur une autre liste électorale de la municipalité, à ma connaissance.

JURE ou déclaré solennellement devant moi

au

de

dans lade

le19...

(jour) (mois)

.....
(signature du secrétaire)

.....
(signature de l'auteur
de la demande)

Le serment suivant doit être prêté par l'auteur d'une demande qui à l'exception de l'exigence relative à la citoyenneté ou OU au fait d'être sujet britannique, avait autrement le droit de faire inscrire son nom sur la liste électorale préliminaire et qui y a maintenant entièrement droit.

SERMENT DE L'AUTEUR DE LA DEMANDE

Je soussigné, jure ou déclare solennellement:

Que, pendant la période d'admissibilité des électeurs, j'étais en droit de faire inscrire mon nom sur la liste électorale préliminaire conformément aux faits ou renseignements ci-dessus tels qu'ils s'appliquaient alors, si ce n'est que je n'étais pas citoyen canadien ou sujet britannique. Je réponds maintenant à cette exigence et j'ai soumis à l'examen du secrétaire de cette municipalité les preuves requises au paragraphe 33 (2) de la LOI SUR LES ÉLECTIONS MUNICIPALES.

JURÉ ou déclaré solennellement devant moi

au

de

dans la de

le 19.....

(jour) (mois)

.....

(signature du secrétaire)

(Signature de l'auteur
de la demande)

CERTIFICAT

Je certifie par les présentes que l'auteur de la
demande ci-dessus est en droit de
faire inscrire son nom sur la liste
électorale définitive. (Signature du secrétaire)

J'autorise par les présentes le
scrutateur de ladite section de vote
à inscrire le nom de cette personne
sur la liste électorale définitive
et à l'autoriser à voter. (Date)

(L'ORIGINAL DE LA DEMANDE, CERTIFIÉ PAR LE SECRÉTAIRE, DOIT ÊTRE
PRODUIT PAR L'AUTEUR DE LA DEMANDE ET REMIS AU SCRUTATEUR, AU
BUREAU DE VOTE)

O. Reg. 624/80, s. 1, *part.*

Form 13

Municipal Elections Act
(Section 36 (1), (2))

NOMINATION PAPER

Nomination Paper
of a person to be a candidate at an
election to be held in the municipality
of:

Note that this nomination paper may only be signed by electors
entitled to vote for the office mentioned within.

Consent of Nominee and Declaration of Qualification

I,, the nominee mentioned in this nomination
paper, do hereby consent to such nomination and solemnly declare
that I am legally qualified to hold the office for which I am
nominated and I make this solemn declaration conscientiously
believing it to be true and knowing that it is of the same force
and effect as if made under oath.

DECLARED before me

at the.....

of.....

in the.....of.....

this.....day of.....

19....

.....
(signature of nominee)

.....
(signature of clerk or
commissioner, etc.)

Date Filed:

Time Filed:

.....
(signature of clerk) ☐
or
(assistant returning officer) ☐

PLEASE PRINT OR TYPE INFORMATION - (EXCEPT FOR SIGNATURES)

Nominated for the office of	Ward No. if applicable	Name as it is to appear on the ballot paper NOMINEE:
Nominee's address of residence		

WE, THE UNDERSIGNED ELECTORS, WHOSE NAMES AND ADDRESSES APPEAR OPPOSITE OUR SIGNATURES, AND WHO ARE ENTITLED TO VOTE FOR THE OFFICE MENTIONED HEREIN, HEREBY NOMINATE THE AFORESAID PERSON TO BE A CANDIDATE FOR THAT OFFICE AT THE ELECTIONS TO BE HELD IN THIS MUNICIPALITY.

Address of Elector	Ward No.	Polling Subdivision No.	Signatures of Nominators
.....	1.....
.....	2.....
.....	3.....
.....	4.....
.....	5.....
.....	6.....
.....	7.....
.....	8.....
.....	9.....
.....	10.....
.....
.....
.....

CERTIFICATE

I, the undersigned clerk of this municipality, do hereby certify that I have examined the nomination paper of the aforesaid nominee filed with me and am satisfied that the requisite number of nominators appear and that they are electors entitled to vote for the office mentioned within.

.....
(signature of clerk)

.....
(date certified)

Formule 13A

Loi sur les élections municipales

(Article 36 (1), (2))

DÉCLARATION DE CANDIDATURE

Déclaration de candidature _____
 pour une élection dans la municipalité de: _____

Seuls peuvent signer la présente déclaration de candidature les électeurs qui ont le droit d'être une personne à la charge mentionnée ci-après.

Acceptation du candidat et déclaration d'admissibilité _____

Je,....., candidat mentionné dans la présente déclaration de candidature, accepte par les présentes d'être candidat et déclare solennellement que je suis légalement apte à occuper la charge à laquelle je suis candidat. Je fais cette déclaration solennelle croyant en conscience qu'elle est véridique et sachant qu'elle a la même force et les mêmes effets qu'une déclaration sous serment.

DÉCLARÉ devant moi

au.....

de.....

dans la.....de.....

le.....19...
 (jour) (mois)

.....
 (Signature du greffier,
 commissaire, etc.)

.....
 (Signature du candidat)

Date du dépôt:.....

Heure du dépôt:.....

.....
 (Signature du greffier)

ou
 (Signature du directeur adjoint
 du scrutin)

REPLIR EN LETTRES D'IMPRIMERIE (sauf les signatures)

Candidat à la charge de	Quartier n°, le cas échéant	Nom qui doit figurer sur le bulletin de vote CANDIDAT:
Domicile du candidat		

NOUS, ÉLECTEURS SOUS-SIGNÉS, DONT LES NOMS ET ADRESSES FIGURENT EN FACE DE NOS SIGNATURES, ET QUI AVONS DROIT DE VOTER POUR LA CHARGE MENTIONNÉE, NOMMONS PAR LES PRÉSENTES LA PERSONNE MENTIONNÉE CI-DESSUS COMME CANDIDAT À CETTE CHARGE AUX ÉLECTIONS QUI AURONT LIEU DANS CETTE MUNICIPALITÉ.

Adresse de l'électeur	Quartier n°	Section de vote n°	Signatures
.....	1.....	1.....
.....	2.....
.....	3.....
.....	4.....
.....	5.....
.....	6.....
.....	7.....
.....	8.....
.....	9.....
.....	10.....
.....
.....
.....

ATTESTATION

Je, soussigné, greffier de la municipalité, atteste que j'ai examiné la déclaration de candidature du candidat ci-dessus, déposée devant moi. Ladite déclaration porte le nombre prescrit de signatures d'électeurs en droit d'élire une personne à la charge mentionnée.

.....
(Signature du greffier)

.....
(Date de l'attestation)

Form 14-1

Municipal Elections Act
(Section 43 (1))
(Municipality)

BALLOT

Elections:.....
(date)

FOR THE OFFICE OF:

You are entitled to vote for.....() candidates
for this office. (number)

(Given names SURNAME)



(Given names SURNAME)



O. Reg. 358/78, Form 15-1.

Formule 14-1A

Loi sur les élections municipales
(Article 43 (1))
(Municipalité)

BULLETIN DE VOTE

Élections.....
(Date)

CHARGE DE:

Vous avez le droit de voter pour.....() candidats à
cette charge. (nombre)

(Prénoms NOM)



(Prénoms NOM)



O. Reg. 358/78, Form 15-1A.

Form 14-2

Municipal Elections Act

(Section 43 (10))

(Municipality)

BALLOT

Elections:.....
(date)

ON THE (here insert either the word
"by-law" or "question", whichever
term is applicable)

ARE YOU IN FAVOUR OF
(here state the issue to be resolved)

YES



NO



Formule 14-2A

Loi sur les élections municipales

(Article 43 (10))

(Municipalité)

BULLETIN DE VOTE

Élections.....
(Date)

AU SUJET (insérer ici les mots "du règlement"
ou "de la question", selon le cas)

ÊTES-VOUS EN FAVEUR DE
(indiquer ici la question)

OUI ☐NON ☐

Form 15

Municipal Elections Act
(Section 48 (1) (c))

DIRECTIONS

FOR THE GUIDANCE OF VOTERS AT THE POLL
WHO HAVE RECEIVED A BALLOT

PLEASE	
PROCEED	INTO COMPARTMENT PROVIDED
MARK	BALLOT WITH A CROSS X OR OTHER MARK, WITH A PEN OR PENCIL WITHIN THE CIRCLE OR CIRCULAR SPACE PROVIDED.
FOLD	BALLOT SO AS TO CONCEAL VOTE AND EXPOSE INITIALS OF DEPUTY RETURNING OFFICER
RETURN	BALLOT TO THE DEPUTY RETURNING OFFICER WHO IS REQUIRED BY LAW TO PLACE THE BALLOT IN THE BALLOT BOX IN THE PRESENCE OF THE VOTER

Formule 15-A

Loi sur les élections municipales
(Article 48 (1) (c))

INSTRUCTIONS

AUX ÉLECTEURS QUI ONT REÇU
UN BULLETIN DE VOTE

PRIÈRE

- | | |
|----------------|--|
| DE VOUS RENDRE | dans l'isoloir |
| DE MARQUER | le bulletin de vote avec une croix (x)
ou une autre marque au crayon ou au stylo,
dans le cercle prévu à cet effet |
| DE PLIER | le bulletin de vote
de manière à cacher votre vote et à mettre
en évidence les initiales du scrutateur |
| DE REMETTRE | le bulletin de vote
au scrutateur, qui est tenu par la loi de le
déposer dans l'urne en présence de l'électeur |

O. Reg. 358/78, Form 16A.

Form 16

Municipal Elections Act
(Section 48 (3))

CERTIFICATE AND RECEIPT FOR BALLOTS

(Prepare in duplicate)

To be signed by the clerk of the municipality and by the
deputy returning officer of the polling subdivision.

Original - to be retained by or returned to clerk

Copy - to be placed in the ballot box by deputy returning
officer at close of poll

Ward No.	Polling Subdivision No.
Municipality	
Polling Place Address	

List of ballots - by type and quantity

.....
.....
.....
.....
.....
.....

CERTIFICATE OF QUANTITIES DELIVERED
By Clerk

I, the undersigned clerk of this municipality, do hereby certify that I have supplied to the deputy returning officer of the said polling subdivision the quantity of ballots as listed above.

.....
(signature of clerk)

.....
(date certified)

RECEIPT FOR QUANTITIES RECEIVED
By Deputy Returning Officer

I, the undersigned deputy returning officer of the said polling subdivision, do hereby certify that I have received from the clerk of the municipality the quantity of ballots for the said polling subdivision as listed above or as noted if quantity differs.

.....
(signature of deputy returning officer)

.....
(date received)

Formule 16-A

Loi sur les élections municipales

(Article 48 (3))

ATTESTATION ET REÇU DES BULLETINS DE VOTE

(Remplir en deux exemplaires)

La formule doit être signée par le greffier de la municipalité et par le scrutateur de la section de vote.

Original: conservé par le greffier ou remis au greffier

Copie: placé dans l'urne par le scrutateur, à la clôture du scrutin

Quartier n°	Section de vote n°
Municipalité	
Adresse du bureau de vote	

Liste des bulletins de vote, par type et quantité

.....

.....

.....

ATTESTATION DES QUANTITÉS REMISES
(Greffier)

Je, soussigné, greffier de la municipalité, atteste par les présentes que j'ai remis au scrutateur de cette section de vote les quantités de bulletins de vote indiquées ci-dessus.

.....
(Signature du greffier)

.....
(Date de l'attestation)

REÇU
(Scrutateur)

Je, soussigné, scrutateur de cette section de vote, atteste par les présentes que j'ai reçu du greffier de la municipalité pour cette section de vote les quantités de bulletins de vote indiquées ci-dessus, ou avec les modifications indiquées le cas échéant.

.....
(Signature du scrutateur)

.....
(Date de la réception des bulletins)

Form 17

Municipal Elections Act
(Section 50)

APPLICATION FOR CERTIFICATE TO VOTE WHERE STATIONED

(Prepare in duplicate)

Original to be presented at poll and filed by deputy
returning officer.

Duplicate to be retained by clerk of municipality.)

Municipality	
Polling Subdivision No. where entitled to vote: Location:	Polling Subdivision No. where stationed: Location:
Name	
Address	
Appointed as:	
<input type="checkbox"/> D.R.O.	<input type="checkbox"/> Poll Clerk
<input type="checkbox"/> Election Assistant	<input type="checkbox"/> Constable

I, the undersigned applicant, swear or solemnly affirm:
That I have not voted before at this election and will
not vote at the polling place where otherwise entitled
and I hereby request a certificate to vote where I am
stationed.

SWORN or affirmed before me
at the.....
of.....
in the.....of.....
this.....day of.....
19.....

.....
(signature of clerk)

.....
(signature of applicant)

CERTIFICATE TO VOTE WHERE STATIONED

I certify that:

.....
(name of applicant)

is entitled to vote at this election at
..... being the polling place where he is stationed.

..... 19....

.....
(clerk)

Formule 17-A

Loi sur les élections municipales

(Article 50)

DEMANDE DE CERTIFICAT POUR VOTER À L'ENDROIT OÙ L'AUTEUR
DE LA DEMANDE EST AFFECTÉ

(Remplir en deux exemplaires)

L'original doit être présenté au bureau de vote et déposé par
le scrutateur.

La copie doit être conservée par le secrétaire municipal.

Municipalité	
Section de vote No. où l'auteur de la demande a le droit de voter: Endroit:	Section de vote No. où l'auteur de la demande est affecté Endroit:
Nom	
Adresse	
Nommé en qualité de:	
<input type="checkbox"/> Scrutateur	<input type="checkbox"/> Secrétaire du bureau de vote
<input type="checkbox"/> Membre du personnel	<input type="checkbox"/> Agent
électoral suppléant	

Je soussigné, auteur de la demande, jure ou déclare solennellement:

Que je n'ai pas déjà voté au cours de la présente élection et
que je ne voterai pas au bureau de vote où j'ai autrement le
droit de voter. Je demande par les présentes l'obtention d'un
certificat pour voter à l'endroit où je suis affecté.

.....
(signature de l'auteur de
la demande)

.....19.....
(secrétaire)

Form 18

Municipal Elections Act
(Section 55 (1) or 57)

ORAL OATH OF QUALIFICATION

The following oath to be administered to an elector:

- objected to by any candidate or scrutineer;
- when the deputy returning officer is not satisfied as to the elector's identity; or
- who applies for a ballot and the polling list indicates that such elector has already voted.

I,
(name of the elector as it appears or is intended to

....., being an elector entitled to vote in
appear in the list)

this municipality of....., swear or
(name of municipality

solemnly affirm:

That I am the person named or intended to be
named in the polling list or document now
shown to me; and

That I have not before voted at this polling
place for the elections now being held in
this municipality.

Formule 18-A

Loi sur les élections municipales
(Article 55 (1) ou 57)

SERMENT ORAL D'UNE PERSONNE HABILITÉE À VOTER

Le serment ci-après doit être prêté par un électeur:

- qui fait l'objet d'une contestation soulevée par un candidat ou le représentant d'un candidat;
- qui ne peut établir son identité à la satisfaction du scrutateur; ou
- qui demande un bulletin de vote alors que le registre du scrutin ou la liste électorale définitive indique que cet électeur a déjà voté.

Je,
(nom de l'électeur tel qu'il figure ou devrait figurer dans la liste
....., électeur jouissant du droit de vote dans la
ou le registre)
municipalité de..... jure ou déclare
(nom de la municipalité)

solennellement:

Que je suis la personne qui est nommée ou devrait être nommée
dans la liste électorale définitive ou le registre qui m'est
présenté; et

Que je n'ai pas encore voté à ce bureau de vote pour les élections
qui ont maintenant lieu dans la municipalité.

Form 19

Municipal Elections Act
(Section 56 (1))

APPLICATION FOR ENTRY OF NAME ON POLLING LIST AT THE POLL

Ward No.	Polling Subdivision No.
Municipality	
Surname of Applicant	Given Names
Full Address of Residence	Apt. No.

If non-resident, state location or description of property in municipality:

.....
.....

Indicate (x) in the appropriate boxes below beside the facts applicable to the applicant:

- | | |
|---|---|
| <input type="checkbox"/> Resident in municipality | |
| <input type="checkbox"/> Owner of land in municipality | <input type="checkbox"/> Spouse of owner of land in municipality |
| <input type="checkbox"/> Tenant of land in municipality | <input type="checkbox"/> Spouse of tenant of land in municipality |
| <input type="checkbox"/> Separate school elector | <input type="checkbox"/> Public school elector |

The following declaration to be taken by an applicant who was, during the qualification period for electors, fully entitled to be an elector but whose name was omitted from the polling list.

DECLARATION BY APPLICANT

I,, the undersigned applicant, hereby solemnly declare that I am a Canadian Citizen or other British Subject and that I have attained eighteen years of age and that I was during the qualification period for electors entitled to be an elector in accordance with the facts or information submitted above which I declare to be true and correct;

I further solemnly declare that I have not previously voted at this election in this municipality and having established my identity to the satisfaction of the deputy returning officer declare that I am entitled to have my name entered on the polling list for the said polling subdivision;

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED before me

at the.....

of.....

in the.....of.....

this.....day of.....

19...

.....
(signature of deputy
returning officer)

.....
(signature of applicant)

OR

The following declaration to be taken by an applicant who, except for the Citizenship or British Subject requirement, was otherwise entitled to have his name entered on the preliminary list of electors and who is now fully entitled.

DECLARATION OF APPLICANT

I,, the undersigned applicant, hereby solemnly declare:

That during the qualification period for electors, I was entitled to have my name entered on the preliminary list of electors in accordance with the facts or information submitted above as they applied at the time except that I was not a Canadian Citizen or other British Subject. I have now met this requirement and have produced for inspection by the deputy returning officer of this polling place the conclusive evidence required by subsection 33(2) of the Municipal Elections Act.

I further solemnly declare that I have not previously voted at this election in this municipality and having established my identity to the satisfaction of the deputy returning officer declare that I am entitled to have my name entered on the polling list for the said polling subdivision.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the.....

of.....

in the.....of.....

this.....day of.....19...

.....
(signature of applicant)

.....
(signature of deputy returning
officer)

Formule 19-A

Loi sur les élections municipales

(Article 56 (1))

DEMANDE D'INSCRIPTION SUR LA LISTE ÉLECTORALE DÉFINITIVE
AU BUREAU DE VOTE

Quartier no.	Section de vote no.
Municipalité	
Nom de l'auteur de la demande	Prénoms
Adresse complète	App. no.

Si l'auteur de la demande ne réside pas dans la municipalité,
donner l'emplacement ou la description de la propriété
située dans la municipalité:

.....
.....

Cocher les cases appropriées ci-dessous:

- | | |
|---|---|
| <input type="checkbox"/> Electeur résidant dans la municipalité | <input type="checkbox"/> Conjoint du propriétaire d'un terrain dans la municipalité |
| <input type="checkbox"/> Propriétaire d'un terrain dans la municipalité | <input type="checkbox"/> Conjoint du locataire d'un terrain dans la municipalité |
| <input type="checkbox"/> Locataire d'un terrain dans la municipalité | <input type="checkbox"/> Electeur des écoles séparées |
| <input type="checkbox"/> Electeur des écoles séparées | <input type="checkbox"/> Electeur des écoles publiques |

La déclaration ci-après doit être faite par l'auteur d'une demande qui, pendant la période d'admissibilité des électeurs, était pleinement en droit d'être électeur, mais dont le nom a été omis de la liste électorale définitive.

DECLARATION DE L'AUTEUR DE LA DEMANDE

Je soussigné, déclare solennellement par les présentes que je suis citoyen canadien ou sujet britannique, que j'ai dix-huit ans révolus et que pendant la période d'admissibilité des électeurs, j'avais le droit d'être électeur, conformément aux faits ou renseignements ci-dessus, que je déclare vrais.

Je déclare de plus solennellement que je n'ai pas déjà voté au cours de cette élection dans la municipalité et qu'ayant fait la preuve de mon identité au scrutateur, je suis en droit de faire inscrire mon nom sur la liste électorale définitive de ladite section de vote.

Je fais cette déclaration solennelle croyant en conscience qu'elle est véridique et sachant qu'elle a la même force et les mêmes effets qu'une déclaration sous serment.

DECLARE devant moi

au

de

dans lade....

le19..

(jour) (mois)

.....
(signature du scrutateur)

.....
(signature de l'auteur de la
demande)

La déclaration suivante doit être faite par l'auteur d'une demande qui, à l'exception de l'exigence relative à la citoyenneté ou au fait d'être sujet britannique, avait autrement le droit de faire inscrire son nom sur la liste électorale préliminaire et qui y a maintenant entièrement droit.

DÉCLARATION DE L'AUTEUR D'UNE DEMANDE

Je soussigné, déclare solennellement par les présentes ;

Que, pendant la période d'admissibilité des électeurs, j'étais en droit de faire inscrire mon nom sur la liste électorale préliminaire conformément aux faits ou renseignements ci-dessus tels qu'ils s'appliquaient alors, si ce n'est que je n'étais pas citoyen canadien ou sujet britannique. Je réponds maintenant à cette exigence et j'ai soumis à l'examen du scrutateur de ce bureau de vote les preuves requises au paragraphe (2) de l'article 33 de la LOI DE 1977 SUR LES ÉLECTIONS MUNICIPALES.

Je déclare solennellement de plus que je n'ai pas voté lors de cette élection municipale et qu'ayant fait la preuve de mon identité au scrutateur, je suis en droit de faire inscrire mon nom sur la liste électorale définitive de cette section de vote.

Je fais cette déclaration solennelle croyant en conscience qu'elle est véridique et sachant qu'elle a la même force et les mêmes effets qu'une déclaration sous serment.

DÉCLARÉ devant moi le

de

dansde

le19....
(jour) (mois)

.....
(signature du scrutateur)

.....
(signature de l'auteur de
la demande)

Form 20

Municipal Elections Act
(Section 63 (1))

ORAL OATH OF INCAPACITY TO VOTE WITHOUT ASSISTANCE

I,
(name of elector as it appears or is intended to appear

....., being an elector entitled to vote in
in the list or document)

this municipality of....., swear or solemnly
(name of municipality)

affirm:

State one of the following: ☐ that I am unable to read;

☐ that I am blind;

☐ that I am physically handicapped,

and therefore I require assistance to mark my ballot paper.

O. Reg. 358/78, Form 20.

Formule 20-A

Loi sur les élections municipales
(Article 63 (1))

SERMENT ORAL D'UNE PERSONNE QUI NE PEUT VOTER SANS L'AIDE D'UNE AUTRE

Je,
(nom de l'électeur tel qu'il figure ou devrait figurer sur la liste

....., électeur ayant le droit de voter dans la
ou dans le registre)

municipalité de....., jure ou déclare
(nom de la municipalité)

solennellement:

Déclare la case appropriée:

☐ que je suis dans l'incapacité de lire;

☐ que je suis aveugle;

☐ que je suis invalide;

et demande en conséquence une aide pour marquer mon bulletin de vote.

O. Reg. 358/78, Form 20A.

Form 21

Municipal Elections Act
(Section 63 (3))

ORAL OATH OF FRIEND OF ELECTOR

I,
(name of friend in full)

a friend of
(name of elector)

an elector who is unable to read (or is blind or is handicapped by other physical cause), swear or solemnly affirm:

That I will mark the ballot paper as directed by this elector; and

That I will keep secret the manner in which this elector voted.

O. Reg. 460/78, s. 2, *part.*

Formule 21-A

Loi sur les élections municipales
(Article 63 (3))

SERMENT ORAL DE L'AMI D'UN ÉLECTEUR

Je,
(nom de l'ami)

ami de
(nom de l'électeur)

un electeur qui est incapable de lire (ou est aveugle ou est handicapé par tout autre cause physique),
jure ou déclare solennellement:

Que je marquerai le bulletin de vote selon les instructions de cet électeur; et

Que je ne, divulguerai pas la manière dont cet électeur a voté.

O. Reg. 460/78, s. 2, *part.*

Form 22

Municipal Elections Act
(Section 64)

ORAL OATH OF INTERPRETER

I,, acting as interpreter
 (name of interpreter in full)
 for.....
 (name of elector as it appears or is intended to appear in
, an elector entitled to vote in this
 the list or document)
 municipality of....., swear or
 (name of municipality)
 solemnly affirm:

That I will faithfully translate the necessary
 oaths as well as any lawful questions necessarily
 put to the elector and his answers at this
 polling place..

O. Reg. 358/78, Form 22.

Formule 22-A

Loi sur les élections municipales
(Article 64)

SERMENT ORAL DE L'INTERPRÈTE

Je,....., faisant fonction
 (nom de l'interprète)
 d'interprète pour.....
 (nom de l'électeur tel qu'il figure ou devrait figurer
, électeur ayant le droit de voter
 sur la liste ou dans le registre)
 dans la municipalité de..... jure ou déclare
 (nom de la municipalité)
 solennellement:

Que je traduirai fidèlement les serments nécessaires
 et toute question qui devra légalement être posée à
 l'électeur, ainsi que les réponses par lui données
 dans ce bureau de vote.

O. Reg. 358/78, Form 22A.

Form 23

Municipal Elections Act

(Section 66 (6) (b))

CERTIFICATE ON LIST OF ADVANCE POLL VOTERS

Ward No.	Polling Subdivision No.
Municipality	

I, the undersigned, clerk of this municipality, certify that the electors listed herein have voted at an advance poll and I hereby direct that the deputy returning officer of the said polling subdivision before opening the poll shall make an entry on the polling list supplied to him opposite the name of each of these electors showing that each such elector has voted.

.....
(signature of clerk)

.....
(date certified)

O. Reg. 358/78, Form 23.

Formule 23-A

Loi sur les élections municipales

(Article 66 (6) (b))

ATTESTATION DE LA LISTE DES ÉLECTEURS QUI ONT VOTÉ À
UN BUREAU DE VOTE PAR ANTICIPATION

Quartier n°	Section de vote n°
Municipalité	

Je, soussigné, greffier de la municipalité, atteste que les électeurs énumérés dans les présentes ont voté à un bureau de vote par anticipation et je charge le scrutateur de ladite section de vote d'indiquer sur la liste électorale définitive qui lui a été remise, avant d'ouvrir le scrutin, que chacun de ces électeurs a voté.

.....
(Signature du greffier)

.....
(Date de l'attestation)

O. Reg. 358/78, Form 23A.

Form 24

Municipal Elections Act
(Section 67 (2))

APPOINTMENT OF VOTING PROXY

(Prepare in duplicate)

Final Date for Certification of this Proxy	Time: not later than 5 p.m.
--	--------------------------------

A person whose name is entered on the polling list for a polling subdivision in the municipality, using this form, may appoint as his voting proxy a person who is entitled to vote in the same municipality. Such proxies must be appointed and certified during the period after nomination day and up to and including polling day.

Municipality	
Ward No.	Polling Subdivision No.
Surname of person appointing the proxy	Given Names
Full address of residence	Apt. No.

PERSON APPOINTED AS PROXY	
Ward No.	Polling Subdivision No.
Surname of Person Appointed	Given Names
Full address of residence	Apt. No.

I, the undersigned, a person whose name is entered on the polling list for the said polling subdivision in this municipality, do hereby appoint for the reasons set out herein, the person named above as my voting proxy at the elections now pending in this municipality.

.....
(signature of person appointing
the proxy)

.....
(signature of witness)

.....
(date appointed)

Reasons for appointing proxy -

.....
.....
.....
.....

OR

☐
Indicate (x)
if applicable

I, the undersigned, a legally qualified medical practitioner, hereby certify that the person named above as appointing the proxy is physically incapable of attending a polling place.

Office
Address.....
.....
(signature of medical practitioner)

.....
(date signed)

A PROXY MUST NOT BE ACCEPTED AT THE POLL UNLESS CERTIFIED BY THE CLERK

CERTIFICATE

I hereby certify that the person named above as appointing the proxy and the person so appointed are both duly qualified electors in this municipality.

.....
(signature of clerk)
.....
(date certified)

Copy Distribution - original to be taken to the poll by proxy voter;
copy to be retained by clerk

ORAL OATH OF PROXY VOTER AT THE POLL

I swear or solemnly affirm:

That I am the person named as proxy voter in this appointment presented at the said poll; and

That I am voting in good faith on behalf of the person who made the appointment.

Motifs de la procuration:

.....
.....

OU

☐
Cocher le
cas échéant

Je, soussigné, médecin légalement qualifié, atteste par les présentes que le mandant ci-dessus est incapable de se rendre en personne à un bureau de vote.

Adresse du bureau
du médecin.....
.....

.....
(Signature du médecin)

.....
(Date de la signature)

UNE PROCURATION NE PEUT ÊTRE ACCEPTÉE AU BUREAU DE VOTE
SANS L'ATTESTATION DU SECRÉTAIRE

ATTESTATION

J'atteste par les présentes que le mandant
et le mandataire nommés ci-dessus sont tous
deux des électeurs dûment habilités à voter
dans la municipalité.

.....
(Signature du greffier)

.....
(Date de l'attestation)

Original: remis au bureau de vote par le mandataire
Copie: conservée par le greffier

SERMENT VERBAL DU MANDATAIRE AU BUREAU DE VOTE

Je jure ou déclare solennellement:

Que je suis la personne nommée dans la présente procuration
présentée au bureau de vote; et

Que je vote de bonne foi au nom de la personne qui m'a
délégué ses pouvoirs.

Form 25

Municipal Elections Act
(Section 76)

FINAL OATH OF POLL CLERK

Ward No.	Polling Subdivision No.
Municipality	

I, the undersigned, swear or solemnly affirm:

That I have performed all the duties and completed and processed all the documents as required of me by law;

That to the best of my knowledge and belief, the polling list kept for this polling subdivision has been kept correctly and contains a true and exact record of the electors who voted; and

That the number of votes recorded in the statement of the poll is correct.

SWORN or affirmed before me
at the.....
of.....
in the.....Of.....
this.....day of.....
19...

.....
(signature of poll clerk)

.....
(signature of deputy
returning officer)

Formule 25-A

Loi sur les élections municipales
(Article 76)

SERMENT DU SECRETAIRE DU BUREAU DE VOTE APRES LA
CLOTURE DU SCRUTIN

Quartier n°	Section de vote n°
Municipalité	

Je, soussigné, jure ou déclare solennellement:

Que je me suis acquitté de toutes les fonctions et que j'ai rempli
et transmis tous les documents prescrits par la Loi;

Que, pour autant que je sache, la liste électorale définitive de
la présente section de vote a été correctement tenu et contient
un relevé véridique des électeurs qui ont voté; et

Que le nombre des votes inscrits dans le relevé du scrutin est exact.

JURÉ ou déclaré solennellement devant moi
au.....
de.....
dans la.....de.....
le.....19.....
(jour) (mois)

.....
(Signature du scrutateur) (Signature du secrétaire du
bureau de vote)

Form 26

Municipal Elections Act
(Section 78 (3))

FINAL OATH OF DEPUTY RETURNING OFFICER

Ward No.	Polling Subdivision No.
Municipality	

I, the undersigned, swear or solemnly affirm:

That I have performed all the duties and completed and processed all the documents as required of me by law;

That to the best of my knowledge and belief, the polling list kept for this polling subdivision has been kept correctly and contains a true and exact record of the electors who voted; and

That the number of votes recorded in the statement of the poll is correct.

SWORN or affirmed before me
at the.....
of.....
in the.....of.....
this.....day of.....
19...

.....
(signature of deputy returning officer)

.....
(signature of poll clerk,
clerk of the municipality
or commissioner, etc.)

Formule 26-A

Loi sur les élections municipales
(Article 78 (3))

SERMENT DU SCRUTATEUR APRÈS LA CLÔTURE DU SCRUTIN

Quartier n°	Section de vote n°
Municipalité	

Je, soussigné, jure ou déclare solennellement:

Que je me suis acquitté de toutes les fonctions et que j'ai rempli
et transmis tous les documents prescrits par la Loi;

Que, pour autant que je sache, la liste électorale définitive de
la présente section de vote a été correctement tenu et contient
un relevé véridique des électeurs qui ont voté; et

Que le nombre des votes inscrits dans le relevé du scrutin est exact.

JURÉ ou déclaré solennellement devant moi
au.....
de.....
dans la.....de.....
le.....19.....
(jour) (mois)

.....
(Signature du secrétaire du bureau de vote,
greffier de la municipalité, commissaire,
etc.)

.....
(Signature du scrutateur)

Form 27

Municipal Elections Act
(Section 78 (4))

OATHS OF BALLOT BOX MESSENGER
(Only if applicable)

Ward No.	Polling Subdivision No.
Municipality	

OATH ON RECEIPT OF BOX FROM DEPUTY RETURNING OFFICER

I, the undersigned, swear or solemnly affirm:

That I will deliver forthwith to the clerk of this municipality the ballot box entrusted to me by the deputy returning officer of the said polling subdivision;

That while in my possession I will not open or permit any other person to open the ballot box.

SWORN or affirmed before me

at the.....

of.....

in the.....of.....

this.....day of.....

19...

.....
(signature of messenger)

.....
(signature of deputy
returning officer)

Ward No.	Polling Subdivision No.
Municipality	

OATH ON DELIVERY OF BOX TO CLERK

I, the undersigned, swear or solemnly affirm:

That I am the person to whom the deputy returning officer of the said polling subdivision entrusted the ballot box;

That the ballot box I now deliver is the ballot box so entrusted to me; and

That I have not opened the ballot box and it has not been opened by any other person while in my possession.

SWORN or affirmed before me

at the.....

of.....

in the.....of.....

this.....day of.....

19...

.....
(signature of messenger)

.....
(signature of clerk)

Formule 27-A

Loi sur les élections municipales
(Article 78 (4))

SERMENT DU MESSENGER
(le cas échéant)

Quartier n°	Section de vote n°
Municipalité	

SERMENT À LA RÉCEPTION DE L'URNE

Je, soussigné, jure ou déclare solennellement:

Que je remettrai sans délai au greffier de la municipalité
l'urne qui m'a été confiée par le scrutateur de ladite
section de vote;

Que je n'ouvrirai pas l'urne ni ne permettrai à un tiers de
l'ouvrir tant qu'elle sera en ma possession.

JURÉ ou déclaré solennellement devant moi

au.....

de.....

dans la.....de.....

le.....19....
(jour) (mois)

.....
(Signature du scrutateur)

.....
(Signature du messenger)

Quartier n°	Section de vote n°
Municipalité	

SERMENT A LA REMISE DE L'URNE AU GREFFIER

Je, soussigné, jure ou déclare solennellement:

Que je suis la personne a qui le scrutateur de ladite section
de vote a confié l'urne;

Que l'urne que je remets est celle qui m'a été confiée; et

Que je n'ai pas ouvert l'urne et qu'elle n'a pas été ouverte par un tiers pendant qu'elle était en ma possession.

JURÉ ou déclaré solennellement devant moi

au.....

de.....

dans la.....de.....

le.....19....
(jour) (mois)

.....
(Signature du greffier)

.....
(Signature du messenger)

REGULATION 682

under the Municipal Elections Act

USE OF VOTING RECORDERS

1. In this Regulation,

- (a) "automatic tabulating equipment" means apparatus that automatically examines and totals votes recorded on ballot cards and tabulates the results;
- (b) "ballot card" means a pre-scored data processing card upon which all votes may be recorded;
- (c) "ballot label" means the pages specially prepared for use with the voting recorder, printed with the names of candidates for all offices to be elected and any questions or by-laws submitted to the electors for opinion or assent used in conjunction with ballot cards;
- (d) "counting centre" means the location of the automatic tabulating equipment selected by the clerk;
- (e) "voting recorder" means an apparatus in which ballot cards are used with a punch device for the piercing of ballot cards by the elector to record his or her vote, so that the ballot card may be tabulated by means of automatic tabulating equipment. O. Reg. 259/78, s. 1.

2. This Regulation applies to an election conducted by a municipality that has passed a by-law in accordance with subsection 42 (2) of the Act. O. Reg. 259/78, s. 2.

3.—(1) Except as otherwise provided in this Regulation, an election to which this Regulation applies shall be conducted in accordance with the Act.

(2) The clerk may appoint such assistant election officials as he considers necessary for the purposes of this Regulation and may designate such titles to and duties for each of them as he considers appropriate.

(3) Every assistant election official before entering upon his duties shall take and subscribe an oath in the same form as required to be taken and subscribed by election officers under subsection 4 (8) of the Act. O. Reg. 259/78, s. 3.

4. To maximize the use of voting recorders the clerk may divide the municipality into polling subdivisions containing more than 350 electors. O. Reg. 259/78, s. 4.

5.—(1) The clerk shall cause to be printed sufficient ballot labels for the number of voting recorders to be used at the election.

(2) The names of candidates for an office shall be listed on one page of the ballot label, but,

(a) where the number of candidates for any office exceeds the number that can be accommodated on one page of the ballot label, the names shall be arranged equally on two pages facing each other so that all candidates' names are visible to the voter; and

(b) where the number of candidates for any office exceeds the number that can be accommodated on two pages, the names shall be divided equally among as many sets of double pages as are necessary to accommodate them, and instructions shall be printed on the ballot label to advise the voter that the ballot label continues on a succeeding page or pages.

(3) Two or more offices, by-laws or questions may be listed on the same page of the ballot label, as space permits, but by-laws or questions and money by-laws shall not be listed on the same page.

(4) Two types of ballot cards shall be prepared, one of which shall record the vote of public school electors and one of which shall record the vote of separate school electors and each type shall be in a different color from the other, and such ballot cards may also be differentiated by the means of control punches in the area of the ballot cards provided for that purpose.

(5) Directions for the guidance of voters shall be varied to apply to the use of voting recorders instead of the use of ballot papers. O. Reg. 259/78, s. 5.

6.—(1) An elector presenting himself to vote shall first be offered a demonstration of the voting recorder and the method of voting thereon.

(2) Upon receipt of a ballot card the elector shall,

(a) forthwith proceed into the voting compartment;

(b) proceed to vote;

(c) insert the ballot card in the envelope provided;

- (d) leave the compartment without delay; and
- (e) deliver the envelope containing the ballot card to the deputy returning officer.

(3) The deputy returning officer shall, in the presence of the voter, and without removing the ballot card from the envelope, remove the exposed stub from the ballot card and deposit the envelope in the ballot box, at which time the elector shall forthwith leave the polling place.

(4) An elector who inadvertently spoils a ballot card is, upon returning it to the deputy returning officer, entitled to obtain another ballot card. O. Reg. 259/78, s. 6.

7. Immediately after the closing of the poll and in the presence and full view of the persons entitled to be present, the deputy returning officer shall, with the assistance of the poll clerks,

- (a) place all the spoiled, declined and unused ballot cards in separate sealed envelopes;
- (b) package the voting recorders for return in accordance with the instructions of the returning officer;
- (c) count the number of electors whose names appear on the polling list maintained by the poll clerk to have voted and make an entry on the list on the line immediately below the name of the elector who last appears on the polling list: "The number of electors who voted at this election in this polling place is (stating the number)" and sign his name thereto;
- (d) open the ballot box and remove the envelopes;
- (e) remove the ballot cards from the envelopes;
- (f) place the ballot cards in the container supplied for that purpose in full view of all persons authorized to be present and seal it;
- (g) make out a statement in duplicate of,
 - (i) the number of ballot cards received from the clerk,
 - (ii) the number of ballot cards removed from the ballot box for counting,
 - (iii) the number of ballot cards unused,
 - (iv) the number of ballot cards spoiled, and
 - (v) the number of ballot cards declined;

- (h) place the ballot cards and other material as required by the Act in the ballot transfer carrier provided by the clerk and lock and seal it; and
- (i) personally deliver the sealed ballot transfer carrier to the location designated by the clerk. O. Reg. 259/78, s. 7.

8. The clerk shall be responsible for making all arrangements to have the sealed ballot transfer carriers delivered to the counting centre. O. Reg. 259/78, s. 8.

9.—(1) Within seven days prior to polling day, the clerk shall have the automatic tabulating equipment tested to ascertain that it will accurately count the votes cast for all offices and all questions and by-laws.

(2) Whenever testing or actual ballot tabulation is to be performed, adequate safeguards shall be taken to ensure that the system, or any partition thereof, that is used for the processing and tabulation of votes is isolated from all other applications or programs, and that no remote devices shall be capable of gaining access to the system or partition.

(3) Whenever possible, a dedicated system for the processing and tabulation of votes shall be used. O. Reg. 259/78, s. 9.

10.—(1) The test shall be conducted by,

- (a) loading the programs into the automatic tabulating equipment;
- (b) processing a pre-audited group of ballot cards on which are recorded a predetermined number of valid votes for each candidate and on each question or by-law, and shall include for each office one or more ballot cards that have votes in excess of the number allowed by law, and shall include for each office one or more ballot cards that have no votes recorded, and shall include for each office one or more ballot cards punched in invalid areas if such exist, in order to test the ability of the automatic tabulating equipment to reject such votes;
- (c) assigning a different number of valid votes to each candidate for each office and for and against each question or by-law; and
- (d) comparing the output of the processing against pre-audited results.

(2) Where the clerk detects any errors in the test referred to in subsection (1), the cause of the error shall be ascertained and corrected and the test repeated until an errorless count is made and certified to by the clerk. O. Reg. 259/78, s. 10.

11. Within one hour prior to the commencement of the counting of the ballot cards the clerk shall have the automatic tabulating equipment tested to ascertain that it will accurately count the votes cast for all offices and all questions and by-laws. O. Reg. 259/78, s. 11.

12. The test referred to in subsection 9 (1) and in section 11 shall be conducted in the manner prescribed in subsection 10 (1). O. Reg. 259/78, s. 12.

13. The automatic tabulating equipment shall pass the test prescribed in subsection 10 (1) at the conclusion of the count before the election returns are approved as official. O. Reg. 259/78, s. 13.

14. At the completion of the count, the programs, test materials and ballot cards shall be sealed and retained as provided for paper ballots in the Act. O. Reg. 259/78, s. 14.

15. Back-up automatic tabulating equipment that is compatible to the main automatic tabulating equipment shall be available and the testing of the back-up automatic tabulating equipment shall be conducted in the same manner as provided in subsection 9 (1), using the test procedures prescribed in subsection 10 (1), and the provisions of section 13 shall apply at the conclusion of the count. O. Reg. 259/78, s. 15.

16.—(1) All proceedings at the counting centre shall be under the direction of the clerk, or persons designated by him, and no person except a person authorized for the purpose shall touch any ballot card.

(2) Where any ballot card on which the intention of the voter is clearly indicated is damaged or defective so that it cannot properly be processed by the automatic tabulating equipment, a true duplicate copy shall be made, clearly labelled "duplicate" and bearing a serial number which

shall also be recorded on the damaged or defective ballot card, and the duplicate copy shall then be substituted for the damaged ballot card, which will be placed in a sealed envelope by the clerk.

(3) The clerk may report the progress of the count for each candidate during the actual counting after the polls are closed.

(4) The return printed by the automatic tabulating equipment shall, when certified by the clerk, constitute the official return of the election.

(5) Where for any reason it becomes impracticable to count all or part of the ballot cards with the automatic tabulating equipment, the clerk may direct that the cards be counted manually, following as far as practicable the provisions of the Act governing the counting of paper ballots.

(6) The clerk,

(a) shall package and retain the pre-audited group of cards referred to in clause 10 (1) (b) and other materials used in the programming of the automatic tabulating equipment, but he may have access to such cards and other materials;

(b) shall not alter or make changes to the materials referred to in clause (a), but he may make copies of them and make changes to the copies; and

(c) may, within ninety days after the election in which the materials were used, dispose of the materials or not, as he sees fit.

(7) If a recount of votes is ordered as provided by law, the ballot cards shall be recounted in the manner directed by the appropriate judicial authority. O. Reg. 259/78, s. 16.



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